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ACTS
OF THE
GENERAL ASSEMBLY
OF
NEWFOUNDLAND
1939

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ACTS

OF THE

HONOURABLE COMMISSION OF GOVERNMENT

OF NEWFOUNDLAND

1939.

PASSED IN THE THIRD YEAR OF THE REIGN OF HIS MAJESTY
KING GEORGE VI.


His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight
Commander of the Most Exalted Order of the Star of India, Knight
Commander of the Most Distinguished Order of St. Michael and
St. George, Companion of the Most Honourable Order of the Bath,
Companion of the Distinguished Service Order, Governor and
Commander-in-Chief in and over the Island of Newfoundland
and its Dependencies.

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ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

1939.



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1939 Fishery and Agricultural Produce (Grading No. 1
and Marking Act

NEWFOUNDLAND



AN ACT TO PROVIDE FOR THE GRADING AND
MARKING OF FISHERY AND AGRICULTURAL
PRODUCE

[27th January, 1939]

SECTION

- 1.—Interpretation.
- 2.—Prescription and use of grade designations.
- 3.—Grade designation marks.
- 4.—Protection of grade designation marks.
- 5.—Offences in respect of grade designation marks.
- 6.—Grading and marking of imported eggs.
- 7.—Marking of preserved

SECTION

- eggs.
- 8.—Cold and chemical storage of eggs.
- 9.—Co-operative Societies, use of marks by.
- 10.—Compulsory use of grade designation marks and grade designations.
- 11.—Provisions as to regulations.
- 12.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
of the Commission of Government, as follows:

1. In this Act, unless the context otherwise requires, Interpretation.
the following expressions have the meanings hereby respectively assigned to them, that is to say:

- (a) "produce" includes all produce of the fisheries or of agriculture or horticulture, all articles of food or drink wholly or partly manufactured

1939 **Fishery and Agricultural Produce (Grading No. 1
and Marking Act**

or derived from any such produce as aforesaid, and fleeces and the skins of animals, and eggs.

- (b) "chemical storage" means storage for the purpose of preserving eggs by any process which does not alter the composition of the shells, including storage in any gas, vapour or gaseous mixture.
- (c) "covering" includes any vessel, box, crate, wrapper, tray, or other container.
- (d) "egg" means an egg laid by a domestic fowl.
- (e) "grade designation" means a grade designation prescribed under this Act.
- (f) "label" includes any band or ticket.
- (g) "Commissioner" means Commissioner for Natural Resources.
- (h) "prescribed" means prescribed by regulation made under this Act.
- (i) "quality" in relation to any articles includes the state and condition of those articles.
- (j) "registered premises" means premises for the time being registered in manner provided by this Act.

Prescription
and use of
grade designa-
tions.

2. (1) The Governor in Commission may, by regulations made under this Act, prescribe such designations (in this Act referred to as "grade designations") as he may consider appropriate to indicate the quality of any articles of

produce, and any such regulations shall contain a definition (in this Act referred to as "the statutory definition") of the quality indicated by every grade designation thereby prescribed.

(2) Where any person sells any article of produce to which a grade designation is applied, then, notwithstanding any contract or notice to the contrary, it shall be deemed to be a term of the contract of sale that the quality of the article accords with the statutory definition indicated by the grade designation.

(3) For the purposes of this Act, a grade designation shall be deemed to be applied to an article if it is used by or on behalf of the vendor, when the article is sold or delivered, or exposed or offered for sale, in any manner calculated to lead to the belief that the quality of the article in connection with which it is used accords with the statutory definition indicated by the grade designation.

3. (1) Regulations made by the Governor in Commission under this Act may prescribe such ^{Grade designation marks.} mark (in this Act referred to as a "grade designation mark") as he may consider appropriate to represent any grade designation, and may make provision for authorizing, or empowering any person or body of persons to authorize, subject to such conditions as may be attached to the authorization, the marking with a grade designation mark of any article in respect of which such a mark has been prescribed or of any covering containing, or label attached to, any such article.

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- (2) Any person who sells or delivers or exposes or offers for sale any article marked with a grade designation mark, or who uses any covering or label so marked, whether the article, covering or label was so marked by him or by some other person, shall be deemed for the purposes of the last foregoing section to use, in connection with the article marked, or in connection with any article which is contained in the covering or to which the label is attached, as the case may be, the grade designation represented by the mark.
- (3) The power granted by sub-section (1) to make provision for conditions being attached to any authorization shall include power to make provision for conditions being attached as to payment of any expenses incurred by the Governor in Commission or by any person or body of persons authorized under sub-section (1) in connection with the manufacture or use of any die, block, machine or other instrument requisite for the purpose of the reproduction of the mark, or with the manufacture or use of any covering or label marked therewith.

Protection of
grade designation marks.

4. (1) Subject as hereinafter provided, any person who uses in connection with any article whatsoever, any mark or description of such a character or in such manner as to be calculated, by reason of the resemblance of that mark or description to a grade designation mark or to any prescribed part of a grade designation mark or by reason of that mark or description being or incorporating the words "national mark" or otherwise, to lead to a false belief that the article is an article of a class for which designations indicating quality have been prescribed by regulations made under

statutory powers, shall be liable on summary conviction to a fine not exceeding one hundred dollars, or in default of payment to imprisonment for a period not exceeding thirty days, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to imprisonment and fine: Provided that if any person proves that any mark or description was used or registered in connection with any article before the first of January, 1939, or was used in connection with any article before the prescription under this Act of any grade designation mark or prescribed part of a designation mark resembling that mark or description, he shall not be convicted of an offence under this section by reason only of the use of that mark or description in connection with that or similar articles.

- (2) In this section the expression “prescribed part of a grade designation mark” means a mark prescribed by regulations under this Act as a grade designation mark when used in association with a grade designation (whether with or without the addition of any word or letters) and the expression “registered” means registered under Chapter 154 of the Consolidated Statutes (Third Series) or being within the provisions of the definition of “trade mark” in sub-section (1) of Section 2 of the said Chapter.

5. (1) Any person who—

Offences in
respect of
grade designa-
tion marks

- (a) forges any grade designation mark; or
- (b) makes or disposes of, or has in his possession any die, block, machine or other in-

strument for the purpose of forging a grade designation mark; or

- (c) uses in connection with any article whatsoever any mark of such a character or in such manner as to be calculated by reason of the resemblance of that mark to a grade designation mark, to deceive

shall, unless he proves that he acted without intent to deceive, be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding thirty days, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both imprisonment and fine.

- (2) No person shall mark any article, covering or label with a grade designation mark unless he is authorized to do so by or under regulations made under this Act, and any person who acts in contravention of this sub-section shall be liable on summary conviction to a fine not exceeding one hundred dollars, or in default of payment to imprisonment for a period not exceeding thirty days.

SPECIAL PROVISIONS AS TO EGGS

Grading and
marking of
imported eggs

6. On and after the 1st day of April, 1939, any egg imported into Newfoundland shall bear on the shell in indelible characters the name of the country of origin, or the word "Empire" or "Foreign". Regulations made by the Governor in Commission under this Act may prescribe grades and grade designations under which all imported eggs shall be sold, and no retailer shall offer for sale eggs which are not so graded and marked.

7. Subject as hereinafter provided, it shall not, after ^{Marking or} the first day of April, 1939, be lawful to sell or expose ^{preserved eggs.} for sale any egg which has been subjected to any process of preservation unless the egg is marked in the prescribed manner, and any person who acts in contravention of this section shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty-five dollars, or in default of payment to imprisonment for a period not exceeding fourteen days, and in the case of a second or subsequent offence, to a fine not exceeding one hundred dollars, or in default of payment to imprisonment for a period not exceeding thirty days: Provided that the Governor in Commission may by order exempt from the operation of this section eggs preserved by any process with respect to which he is satisfied that the marking of eggs preserved by that process cannot be enforced.

8. (1) No premises shall be used by way of trade or ^{Cold and} for the purpose of gain for the cold storage or ^{chemical stor} chemical storage of eggs unless the premises ^{age of eggs.} are registered in a prescribed manner in a register kept by the Department of Natural Resources; and if any premises are used in contravention of the provisions of this section, the occupier of the premises shall be guilty of an offence against this section.

(2) It shall not be lawful to cause eggs, which have been kept in cold storage in any premises used for such storage of eggs by way of trade or for purposes of gain to be removed from such premises unless the eggs have been marked in the prescribed manner, and for the purpose of securing the enforcement of this provision the Commissioner may, by notice in writing, served on the occupier of any registered premises give directions that eggs which

have been kept in cold storage or chemical storage in any part of the premises are not to be removed from such parts of the premises as may be specified in the notice until they have been marked in the prescribed manner, and a copy of any notice so served shall be kept by the occupier conspicuously posted in such parts of the premises as the Commissioner may direct. If any person contravenes or fails to comply with the provisions of this sub-section or of any directions given thereunder, he shall be guilty of an offence under this section.

- (3) Any officer of the Department of Natural Resources, if authorized in that behalf and on production if so required of his authority, may at any time during the hours when the premises are open for business enter any premises in which he has reason to believe that eggs are kept in cold storage or chemical storage, and may search for and inspect eggs in the premises, and may require any person whom he finds in or about the premises to give such information as may reasonably be demanded of him as to any name and address required by the officer for the purpose of enabling him to carry out his duties under this Act, and any person who obstructs an officer so authorized in the execution of the powers conferred upon him by this section or wilfully withholds any information which any such officer is empowered by this Act to require of him shall be guilty of an offence under this section.

- (4) If any person removes, alters or obliterates any mark which, in compliance with the re-

quirements of the foregoing provisions of this section, was borne by any egg at the time when it was stored in any such premises as aforesaid, or sells or exposes for sale any egg from which such a mark has been removed or on which such a mark has been altered or obliterated, he shall, unless he proves that he acted without intent to defraud, be guilty of an offence under this section, and in the case of a second or subsequent offence under this sub-section the Court may, in addition to any other penalty, order any eggs in relation to which the offence has been committed to be forfeited.

- (5) Any person guilty of an offence under this section shall be liable on summary conviction in the case of a first offence to a fine not exceeding twenty-five dollars and in the case of a second or subsequent offence to a fine not exceeding one hundred dollars, and in default of payment to imprisonment for periods not exceeding fourteen days and thirty days respectively.

9. The Commissioner may by regulation require the use of statutory grades and grade designation marks by any registered co-operative society or any statutory marketing organization. Co-operative Societies, use of marks by.

10. The Governor in Commission may after a period of three years from the date of the passing of this Act by regulations require the use of grade designation marks and grade designations in respect of all eggs passing through commercial channels, provided he is satisfied that there is a prevailing opinion among the representative organizations of egg producers that such use of Compulsory use of grade designation marks and grade designations.

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and Marking Act**

grade designations and grade designation marks ought to be made compulsory.

Provisions as
to regulations.

11. (1) Any regulations proposed to be made under this Act, shall before being made be published in such manner as the Governor in Commission may direct.

(2) All regulations made under this Act shall be published in the Newfoundland Gazette, and shall have effect from any date therein stated, or, if no date be so stated, then from the date of publication.

(3) Any order made or notice served under this Act may be varied or revoked by any subsequent order made or served in like manner.

Short title.

12. This Act may be cited as the Fishery and Agricultural Produce (Grading and Marking) Act, 1939.

AN ACT RESPECTING BROADCASTING

[27th January, 1939]

SECTION

- 1.—Definitions.
- 2.—Corporation constituted.
- 3.—Commissioner's powers of restriction.
- 4.—Objects of Corporation.
- 5.—Mount Pearl.
- 6.—Limit of powers of expenditure and disposal of property.
- 7.—Certain licence fees to be paid to Corporation.

SECTION

- 8.—Financial.
 - 9.—Power to make regulations re external matters.
 - 10.—Appointment, etc., of staff.
 - 11.—Concessions from other Governments.
 - 12.—Annual Report.
 - 13.—Short Title.
- Schedule.

WHEREAS in view of the great value of the broadcasting service as a means of information, entertainment and education, and particularly in view of the lack of facilities for disseminating news and information of general interest and importance to the people in many settlements in Newfoundland it is desirable that the service should be developed and exploited to the best advantage in the national interest;

AND WHEREAS it would greatly promote these objects and be for the public benefit if a Corporation charged with these duties were created, and charged with the duty of conducting such service;

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1939.

1. In this Act unless the context otherwise requires— Definitions.

(a) "Government" means the Governor in Commission.

(b) "broadcasting" means the dissemination of any form of radioelectric communication, in-

cluding radiotelegraph, radiotelephone and the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations.

(c) "Corporation" means the Broadcasting Corporation of Newfoundland.

(d) "Commissioner" means the Commissioner for Finance.

Corporation
constituted.

2. (1) There shall be a Corporation to be known as the Broadcasting Corporation of Newfoundland, which shall be a body corporate, having a common seal and having capacity to contract and to sue and be sued in its own name.

(2) The Corporation shall consist of seven Governors nominated and appointed by the Government. One of the Governors shall be a civil servant who shall hereinafter be referred to as "the Government representative".

(3) At least two of the Governors shall be nominated and appointed from among the residents of districts outside the two electoral districts of St. John's.

(4) The Government shall designate one of the Governors to be Chairman of the Corporation. The Corporation shall appoint one of their number to be Vice-Chairman.

(5) The Governors shall hold office for three years. Retiring Governors shall be eligible for re-appointment.

- (6) Each Governor shall hold office during good behaviour for the period of his appointment, but may be removed for cause at any time by the Government.
- (7) In the event of any vacancy occurring in the Board, the Government shall appoint a person to fill such vacancy for the balance of the term of the Governor replaced.
- (8) The Chairman shall be paid the sum of one thousand dollars per annum and other Governors, with the exception of the Government representative who shall receive no payment for his services, shall each be paid the sum of three hundred dollars per annum. The Governors referred to in subsection (2) of this section shall also be entitled to receive and be paid their actual necessary disbursements for travelling and subsistence in respect of their attendance at meetings: Provided that the amounts which each such Governor shall be paid on this account shall not exceed three hundred dollars in any one year. All expenses in respect of the provisions of this subsection shall be paid out of the revenue of the Corporation.
- (9) The Corporation shall have power to make such rules and regulations as may be necessary for the management and conduct of its internal affairs.
- (10) The Chairman or other officer authorised by him shall, subject to such regulations, summon all meetings of the Corporation for the despatch of business. Meetings shall be held at least once in each calendar month. Three Governors shall constitute a quorum.

Commissioner's
powers of
restriction.

3. The Commissioner may from time to time by notice in writing to the Corporation require the Corporation to broadcast or refrain from broadcasting any matter (either particular or general) specified in such notice, and the Corporation shall comply with such notice. The Commissioner may at any time or times revoke or vary any such notice as aforesaid.

Objects of
Corporation.

4. The Corporation shall carry on a national broadcasting service within the Island of Newfoundland and its Dependencies and for that purpose may:—

- (a) establish, equip, maintain and operate broadcasting stations under licences to be issued in accordance with the statutes from time to time in force respecting the licensing of radio-transmitting stations.
- (b) make operating agreements with other stations, whether in Newfoundland or elsewhere for the broadcasting of programmes and in particular, arrange with the Canadian Marconi Company for the use for broadcasting purposes of the facilities provided by the transmitting and receiving stations of the Newfoundland-Canada Radiotelephone Service as defined and provided for and under the conditions laid down in Clause 9 of the Agreement between the Government and the Canadian Marconi Company, ratified by the Act No. 43 of 1938;
- (c) originate programmes and secure programmes from within or without Newfoundland, by purchase or exchange or otherwise and make arrangements necessary for their transmission;
- (d) make contracts with any person or persons in or outside Newfoundland in connection with the production or presentation of the programmes of the Corporation;

- (e) make contracts with any person or persons, in or outside Newfoundland to perform in connection with the programmes of the Corporation;
- (f) publish and distribute, whether gratis or otherwise, such papers, periodicals or other literary matter as may seem conducive to the objects of the Corporation;
- (g) collect news relating to current events in any part of the world and in any manner that may be thought fit and establish and subscribe to news agencies;
- (h) acquire copyrights in any literary, musical or artistic works, plays, songs, gramophone records, news and other matter;
- (i) acquire and use any patent, or patent rights, brevets d'invention, licences or concessions which the Corporation may consider useful for the purpose of carrying out its objects;
- (j) make arrangements or agreements with other organizations for the use of any rights, privileges or concessions which the Corporation may consider useful for the purpose of carrying out its objects;
- (k) subject to the provisions of Section 6 hereof, purchase, lease or otherwise acquire any real or personal property which the Corporation may deem necessary or convenient for the purposes of its business;
- (l) subject to the provisions of Section 6 hereof, sell, lease or otherwise dispose of all or any part of the property of the Corporation; and

- (m) do all such other things as the Corporation may deem incidental or conducive to the attainment of any of the objects or the exercise of any of the powers of the Corporation.

Mount Pearl.

5. The Corporation shall forthwith enter into an agreement with the Government in respect of the Mount Pearl broadcasting station in the form of the agreement forming the Schedule to this Act with or without modification.

Limit of powers of expenditure and disposal of property.

6. Except as provided in this Act the Corporation shall not, unless the approval of the Commissioner has first been obtained—

- (a) incur any expenditure or liability for an amount in excess of one thousand dollars in any one transaction;
- (b) enter into any agreement for a period exceeding three years;
- (c) dispose in any manner of any property of the Corporation having an original or book value exceeding the sum of five hundred dollars.

Certain licence fees to be paid to Corporation.

7. The Commissioner shall pay to the Corporation from time to time sums equivalent to the licence fees collected by the Department of Posts and Telegraphs in respect of private wireless receiving stations and private broadcasting stations after deducting therefrom the cost of collection thereof, such cost to be determined by the Commissioner from time to time.

Financial.

8. (1) The Corporation is hereby authorized and empowered—

- (a) To receive and retain for the purposes of this Act—

- (i) all funds which may be granted annually or otherwise by the Government for the purpose of carrying on a broadcasting service.
 - (ii) all revenue which may be obtained by the Corporation from any source whatever.
 - (b) To administer exclusively in furtherance of the objects of the Corporation all funds which it may receive.
- (2) All moneys, funds, revenues and receipts of the Corporation shall be placed to its credit in a special account in a bank in St. John's to be designated by the Commissioner.
- (3) The Government at the request of the Corporation may authorize the Commissioner to place to the credit of the Corporation advances by way of working capital; but the aggregate amount of such advances outstanding at any one time shall not exceed ten thousand dollars and shall be repayable to the Commissioner on demand.
- (4) (a) The Government at the request of the Corporation may authorize the Corporation to construct, extend or improve any capital works in Newfoundland necessary for the purposes of its business and for this purpose may authorize the Commissioner to place to the credit of the Corporation such sum or sums as may be necessary to carry out such construction, extension or improvement of capital works: Provided that the total amount which may be so authorized for the said purposes shall not exceed twenty thousand dollars at any one time.

- (b) Such moneys so advanced shall bear such rate of interest and shall be repaid on such terms as may be fixed by the Government.
 - (c) The interest and amortization on the moneys so advanced shall be a first charge on the revenues of the Corporation and in the event of the liquidation of the Corporation shall be paid in priority to all claims except those for wages of employees of the Corporation.
- (5) (a) The Corporation may set aside out of its revenue such sums as it thinks proper as a reserve fund for such purposes as the Corporation may think conducive to its objects or any one of them, and the same may be applied accordingly from time to time in such manner as the Corporation shall determine, and the Corporation may without placing the same to reserve, carry over any revenue which it may not require immediately or may think inexpedient to expend in any year: Provided that if the total of any reserve funds and excess revenue carried over from one year to another at any time shall be in excess of twenty thousand dollars, the amount so in excess shall be dealt with as the Commissioner with the prior approval of the Governor in Commission shall direct.
- (b) Any sums which may be placed in reserve or carried over as provided in this section shall be deposited in the name of the Corporation in a special account in the Newfoundland Savings Bank.
- (6) The Corporation shall, whenever required by the Commissioner, render detailed accounts of

its receipts and expenditure for such period or to such date as the Commissioner may designate, and all books of account, records, bank books and papers of the Corporation shall at all times be open to the inspection of the Commissioner or of such person as he may designate.

- (7) The accounts of the Corporation shall be audited at least once in each year by the Comptroller and Auditor General and a statement of such accounts together with his report thereon shall be included in the annual report of the Corporation.

9. (1) The Corporation may make regulations:—

Power to make regulations re external matters.

- (a) to control the establishment and operation of all broadcasting services in Newfoundland;

- (b) to control the character of any and all programmes broadcast, including the extent and character of advertising matter.

- (2) Such regulations may prescribe penalties (subject to the approval thereof by the Commissioner for Justice) for the violation thereof.

- (3) Such regulations shall be published in the Newfoundland Gazette and one daily newspaper and shall come into force on a date to be prescribed in such regulations.

10. (1) The Corporation shall appoint the staff of its own broadcasting service and shall be responsible for all matters of appointments, discipline, promotion, remuneration and like matters affecting their conditions of service, provided that—

Appointment, etc., of staff.

- (a) the original appointments to the staff shall be made by the Government, and
- (b) the creation of any new post shall be subject to the approval of the Commissioner.

(2) The Civil Service Act of 1926 or any Act in amendment thereof or in substitution therefor shall not apply to the Governors or staff of the Corporation.

Concessions
from other
Governments.

11. The Corporation shall not seek any concession right or privilege from any British or foreign Government, or enter into negotiations or arrangement with any such Government with regard thereto, without first having obtained the consent in writing of the Commissioner.

Annual Report.

12. The Corporation shall through the Commissioner submit an annual report to the Government in such form as the Commissioner may prescribe.

Short Title.

13. This Act may be cited as the Newfoundland Broadcasting Act, 1939.

SCHEDULE

AGREEMENT made this day
of A.D. 1939,
BETWEEN His Excellency
Sir Humphrey Thomas
Walwyn, K.C.S.I., C.B.,
D.S.O., Governor of the Is-
land of Newfoundland and
its Dependencies in Com-
mission (hereinafter called
"the Government") of the
one part AND the Broadcast-
ing Corporation of New-
foundland incorporated by
Statute (hereinafter called
"the Corporation"), of the
other part; WITNESSETH
as follows:—

WHEREAS by Crown Grant numbered 19374 dated the twenty-seventh day of March, A.D. 1926, and registered in Volume 106, Folio 64, of the Registry of Land Grants, there was granted to Heber Parsons of Mount Pearl, near St. John's in the Island of Newfoundland, Farmer; Hector Parsons of the same place, Farmer; Charles B. Scott of the same place, Radio Electrician, a piece or parcel of land situated at Mount Pearl aforesaid comprising about forty acres two roods and thirty-two perches as by reference to the said Grant will more fully appear;

AND WHEREAS the conditions of the said Grant having been duly performed by Heber Parsons, Hector Parsons and Charles B. Scott, the freehold in fee simple to the said piece or parcel of land is now vested in the said Heber Parsons, Hector Parsons and Charles B. Scott;

AND WHEREAS George H. Durban of Gillingham in the County of Kent, England, Radio Electrician, is in

equity entitled to a share of interest in the said piece or parcel of land;

AND WHEREAS by Indenture (hereinafter called "the head lease") made at St. John's aforesaid on the thirteenth day of September, A.D. 1938, between the Commissioner for Public Utilities acting on behalf of the Crown and Heber Parsons, Hector Parsons, Charles B. Scott and George H. Durban (hereinafter called "the Lessors") the Lessors did jointly and severally demise and lease to the said Commissioner and his successors in office and assigns for a period of ninety-nine years all that piece or parcel of land as aforesaid more fully described and under the conditions set forth in the said Indenture;

AND WHEREAS by Indenture (hereinafter called "the lease back") made at St. John's aforesaid on the fourteenth day of September, A.D. 1938, between the Commissioner for Public Utilities acting on behalf of the Crown and the Lessors, the said Commissioner did lease back to the said Lessors certain parts of the lands demised by the head lease and did enter into certain covenants with the said Lessors as by reference to the said lease back will more fully appear;

AND WHEREAS it is provided in the said Indenture that the Government shall have the right at any time to transfer and assign its interest rights and obligations as granted or laid down in the said Indenture to a corporation constituted and controlled by the state for public purposes;

AND WHEREAS the Government has agreed to transfer and assign the aforesaid interest rights and obligations to the Corporation being a corporation constituted and controlled by the state for public purposes and the Corporation has agreed to take over from the Government the aforesaid interest rights and obligations;

AND WHEREAS it is provided in Section 5 of the Newfoundland Broadcasting Act 1939 that the Corporation shall enter into an Agreement with the Government whereby the Government will lease to the Corporation a central broadcasting station established at Mount Pearl by means of funds provided by the Government, and this Indenture is made in pursuance of the said section;

NOW THEREFORE THESE PRESENTS WITNESS
AS FOLLOWS:—

1. THE GOVERNMENT DOTH for a period of five years from the date of the signing of this Agreement:—

- (1) Transfer and assign to the Corporation the interest, rights and obligations of the Government in the said Indenture and lease and demise to the Corporation the wireless masts with the foundations, stays, wires and anchors which are upon the aforesaid land and which under the terms of the said Indenture are the property of the Government.
- (2) Lease and demise to the Corporation for its exclusive use—
 - (a) the radio transmitting and receiving apparatus which the Government has installed at its own expense in the building standing upon the aforesaid land together with all equipment such as pumps, transformers, etc., which are associated with such apparatus and the ground wire systems, aerials, cables, septic and fuel tanks, water supplies and accessories of a like nature which are associated with and are necessary for the operation of a broadcasting and receiving station and as such have been provided by the Government at its own expense,

- (b) all buildings demised to the Government by the Lessors under the terms of the said Indenture and all buildings and erections which have been provided by the Government at its own expense,
- (c) the studio equipment being the property of the Government in the Newfoundland Hotel, St. John's, and any connecting telephone lines being the property of the Government between the transmitting and receiving station at Mount Pearl and the said studios.

2. THE CORPORATION DOTH:—

- (1) Accept the transfer and assignment from the Government of the interest rights and obligations of the Government in the said head lease and covenant and agree to discharge faithfully and to the best of its ability all the responsibilities and to do all the things which the Government is required to discharge and do in the said head lease and in the said lease back; to use for purposes of broadcasting and receiving the wireless masts with the foundations stays wires and anchors, the apparatus, equipment and accessories, the buildings and the studios and studio equipment and connecting telephone lines all respectively referred to in sub-clauses (1) and (2) of Clause 1 hereof all for the aforementioned period of five years.
- (2) Agree to keep preserve and maintain in good order and efficiency all the apparatus equipment accessories buildings studios and studio equipment and connecting telephone lines aforementioned during the time that these shall be under its control and in such state of

good order and efficiency deliver these up to the Government at the end of the said term.

- (3) Agree to pay to the Government at the end of each financial year of the Corporation during the aforementioned period of five years the interest and sinking fund redemption charges on the total capital sums expended by the Government in respect of the aforementioned Indenture and for the apparatus equipment accessories buildings studios and studio equipment and connecting telephone lines and referred to in sub-clauses (1) and (2) of Clause 1 hereof such annual payments to be treated as a first charge upon the revenues of the Corporation.

- (4) Agree to pay such rent for the use of the tag numbers.

studio in the Newfoundland Hotel as shall from time to time be fixed by the Government. the amount of such rent not to be in excess of the commercial value of the accommodation used.

3. IT IS MUTUALLY UNDERSTOOD AND AGREED THAT:

- (1) Unless not later than six months before the end of the term of this Agreement either the Government or the Corporation shall have given notice to the contrary this Agreement shall continue in full force and effect for a further period of five years, and if this Agreement shall be so extended unless not later than six months before the termination of the extended period either the Government or the Corporation shall have given notice to the contrary this Agreement shall continue in full force and effect for a further period of five years and

similar conditions of determination or extension subject to sub-clause (2) of this clause shall apply to any subsequent period of five years.

- 2) If at any time during the aforementioned period of five years or the extended period the Corporation shall wind up either voluntarily or otherwise and shall thereby cease to do the business for which it is constituted this Agreement shall cease to have effect and all the rights powers and privileges which are demised in this Agreement shall revert to the Government.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be set hereunto and has signed these presents and the Corporation has caused the same to be executed in accordance with its regulations the day and the year first above written.

By His Excellency's Command,

Commissioner for Home Affairs and Education.

The Common Seal of the Broadcasting Corporation of Newfoundland was hereunto affixed in accordance with its regulations in the presence of:—

AN ACT FURTHER TO AMEND CHAPTER 162 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE PROSECUTION OF THE SEAL FISHERY", AND THE ACTS IN AMENDMENT THEREOF.

[28th February, 1939]

SECTION

1.—Temporary provision for 1939 sealfishery.

SECTION

2.—Amendment of Section 11, Seal Fishery Act.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. In respect of the seal fishery of the present year—

Temporary
provision for
1939 sealfishery.

 - (a) A clearance may be granted on or after the 3rd day of March to any vessel for a voyage to the seal fishery, the provisions of Section 2 of the Act 16 & 17 George V, Chapter 21, entitled "An Act to Amend the Seal Fishery Act and other Acts Relating to the Seal Fishery", to the contrary notwithstanding.
 - (b) Section 12 of the Seal Fishery Act (Consolidated Statutes (Third Series) Chapter 162) as re-enacted in and by Section 3 of the said Chapter 21 shall be read as permitting ships to sail for the seal fishery after 8 a.m. on the 4th day of March, and the other provisions of the said section shall have effect accordingly.
 - (c) Section 14 of the said Seal Fishery Act shall be read as prohibiting the killing of seals before the tenth day of March, and the other provisions of the said section shall have effect accordingly.

(d) Section 16 of the said Seal Fishery Act shall not have effect.

Amendment of
Section 11,
Seal Fishery
Act.

2. Section 11 of the said Seal Fishery Act is hereby amended by striking out thereof the words "or land in".

AN ACT FURTHER TO AMEND THE JUDICATURE
ACT.

[20th March, 1939]

SECTION

1.—Amendment Section 63
Judicature Act; taking
and revision of jury lists.

SECTION

2.—Amendment Section 66
Judicature Act; period of
validity of lists.
3.—Repeal.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

A.D. 1939.

1. Section 63 of the Judicature Act (Chapter 83 of the Consolidated Statutes (Third Series)) and Section 6 of the Judicature Amendment Act 1925 (15 Geo. V (2nd Session), Chapter 19) amending the same are hereby repealed and the following is substituted for the said Section 63—

Amendment
Section 63
Judicature Act;
taking and
revision of
jury lists.

63. (1) The stipendiary magistrate resident in or near any of the places where the Court may be held or where there is no stipendiary magistrate so resident or in his absence a justice of the peace appointed by the Commissioner for Justice for that purpose shall superintend and direct the making out of separate lists of all persons resident in or near such places qualified and liable to serve on grand and petty juries respectively and shall arrange the same in their respective panels in alphabetical order, the occupation, age and place of abode of each person being stated. Such lists of jurors shall be made and taken annually between the first and twenty-first days of September: Provided however that where for the purposes of any particular Circuit a valid list is not or will not be available at any particular

place or places the Commissioner for Justice may direct a special list or lists to be taken between dates to be fixed by him.

- (2) A stipendiary magistrate or justice of the peace as aforesaid shall sit in public to revise the lists of grand and petty jurors daily except on Sundays for a period of ten days commencing on the day after the last day appointed for the taking of the lists. Sufficient public notice of the place at which and the days and the hours in every day during which such revision shall be held shall be given either by publication in one or more newspapers circulating in the locality or by posting the same on the doors of the Court House or other public building.
- (3) The magistrate or justice of the peace aforesaid shall within one week after the revision return the said lists duly revised to the sheriff together with separate lists of all jurors who since the last revision of jury lists have become exempt or ceased to be qualified and have been omitted from the lists or who have become qualified and have been placed on the lists.
- (4) For every return there shall be paid out of public funds to the magistrate or justice of peace for every one hundred names so returned the sum of eight dollars of which one-half shall be paid over by him to the officers employed by him to take the lists.

Amendment
Section 66
Judicature Act;
period of
validity of
lists.

2. Section 66 of the Judicature Act is hereby repealed and the following substituted therefor—

66. All persons whose names shall appear on the revised lists of jurors after any annual revision

shall unless exempted by the judge in Court be liable to serve for the next eighteen months or until a new list be taken and revised whichever period shall be the shorter.

3. The Act No. 8 of 1938 entitled “An Act to Provide Repeal for the taking of Certain Jury Lists in the Year 1938” is hereby repealed; and the jury lists taken thereunder shall cease to be valid upon new lists being taken under this Act.

AN ACT TO AMEND THE NEWFOUNDLAND
HOTEL ACT 1934.

[28th March, 1939]

SECTION 1.—Control of Hotel transferred to Commissioner for
Finance.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Control of
Hotel trans-
ferred to
Commissioner
for Finance.

1. Section 1 of the Newfoundland Hotel Act 1934,
(No. 11 of 1934) is hereby amended by striking out the
words "The Commissioner for Public Utilities" and sub-
stituting therefor the words "The Commissioner for
Finance".

AN ACT RESPECTING THE DEPARTMENT OF EDUCATION

[30th March, 1939]

SECTION

- 1.—Department of Education.
- 2.—Commissioner to be head of Department.
- 3.—Secretary for Education.
- 4.—(1) Executive Officers.
(2) Duties of Executive Officers.
- 5.—Council of Education.
- 6.—Staff of Department.

SECTION

- 7.—Seal of Department.
- 8.—Reports to Governor in Commission.
- 9.—Scope of duties of Department.
- 10.—Interpretation of Education Act 1927.
- 11.—Repeals.
- 12.—Short title..
Schedule.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. There shall be a Department of the Government Department of Education.
called the Department of Education.

2. The Commissioner for Home Affairs and Education (hereinafter referred to as the Commissioner) Commissioner to be head of Department.
shall be the head of the Department and shall be responsible to the Governor in Commission therefor; and all the officers and servants of the Department shall comply with his lawful orders and directions.

3. The Governor in Commission may appoint an officer who shall be called the Secretary for Education, who Secretary for Education.
shall, under the Commissioner, have the supervision of the Department. In the absence of the Secretary for Education his functions shall be performed by the Executive Officer senior for the time being in service as such.

4. (1) The Governor in Commission shall appoint Executive Officers.
three Executive Officers who shall respectively
be members of the Church of England, of the Roman Catholic Church and of the United Church of Canada, and who shall be the recog-

nized representatives on educational matters of their respective religious denominations within the Department.

Duties of
Executive
Officers.

- (2) The said Executive Officers shall have the following duties:
- (a) To conduct correspondence and interviews with Boards of Education, teachers, and parents of their respective denominations on educational matters.
 - (b) To make recommendations to the Department of Education with reference to the distribution among Boards of Education and to the expenditure by the Department of all grants for the purposes of colleges, schools, teachers, or other purposes of their respective denominations.
 - (c) To serve as members of the Curriculum Committee and as Chairmen of the Examining Boards of their respective denominations.
 - (d) To recommend to the Commissioner persons qualified to serve as members of Boards of Education of their respective denominations, and to keep a proper record of all such Boards.
 - (e) To perform such other duties as may from time to time be defined by the Commissioner for Education.

Council of
Education.

5. There shall be a Council of Education which shall consist of the Commissioner for Home Affairs and Education, who shall be the Chairman thereof, the Secretary

for Education who shall be the Vice-Chairman thereof, the three Executive Officers, and a person to be appointed by the Commissioner, who shall be a member of the Salvation Army, which Council shall, subject to the Commissioner, be the authority for all educational policy.

6. Subject to regulations of the Governor-in-Commission the Commissioner may appoint such other officers, agents, clerks, and servants as are required for the proper conduct of the business of the Department. Staff of Department.

7. The Department shall have an official seal which shall be officially and judicially noticed and shall whenever used be authenticated by the signature of the Secretary. Seal of Department.

8. The Commissioner shall cause to be made and shall furnish to the Governor in Commission such reports of the proceedings of the Department and such further information as the Governor in Commission may from time to time require. Reports to Governor in Commission.

9. The Department shall have the execution of the laws and of orders of the Governor in Commission and the administration of public business relating to the following subjects:— Scope of duties of Department.

- (1) Education generally and means and measures for the promotion thereof.
- (2) The Memorial University College.
- (3) The training, examination, classification and grading of teachers.
- (4) Adult Education.
- (5) Public Examinations.
- (6) Colleges and schools receiving aid from the Department.

(7) Teachers' pensions.

(8) Such other matters relating to education as may from time to time be assigned by the Governor in Commission to the Department.

Interpretation
of Education
Act 1927.

10. Wherever in the Education Act 1927, or any amendment thereof, reference is made to the Bureau of Education, such reference shall be deemed to be a reference to the Commissioner.

Repeals.

11. The Acts mentioned in the Schedule hereto are hereby repealed to the extent mentioned in the third column of such Schedule.

Short title.

12. This Act may be cited as the Education (Departmental) Act, 1939.

Schedule.

SCHEDULE

Enactments Repealed

Session or Year and Chapter	Title or Short Title,	Extent of Repeal
1. 18 George V, Cap. 14.	The Education Act 1927.	Sections 3 to 8. in- clusive.
2. 1935 No. 11.	An Act to amend the Education Act 1927.	Sections 1, 3, 4, 5..
3. 1935 No. 46.	An Act further to amend the Educa- tion Act, 1927.	The whole Act.

AN ACT TO AMEND THE REVENUE ACT, 1939.

SECTION

1.—Amendment Item 598
Schedule A of Tariff.

SECTION

2.—Amendment Item D 1314
Schedule B of Tariff.

[8th April, 1939]

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:—^{A.D. 1939.}

1. Item 598 in Schedule A to the Revenue Act, 1939, Amendment Item 598 is hereby amended by striking out the word “about”. Schedule A of Tariff.

2. Item D 1314 in Schedule B to the said Act is Amendment Item D 1314 hereby amended by striking out the full stop after the words “fuel oil” in the third column of the said Item and Schedule B of Tariff. inserting in lieu thereof the following: “(not being vessels deemed by the Commissioner for Finance to be sealing vessels)”.

AN ACT FURTHER PARTIALLY TO SUSPEND THE OPERATION OF CHAPTER 156 OF THE CONSOLIDATED STATUTES (THIRD SERIES) ENTITLED "OF THE EXPORT AND SALE OF BAIT FISHES".

[18th April, 1939]

SECTION 1.—Further suspension of restriction on export, etc., of herring.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Further
suspension of
restriction on
export, etc.,
of herring.

1. During the period between the 1st day of June, 1939, and the 31st day of May, 1942, inclusive, none of the provisions of Chapter 156 of the Consolidated Statutes (Third Series) shall apply to herring, anything in the said Chapter to the contrary notwithstanding.

AN ACT RESPECTING THE ESTABLISHMENT BY
THE AVALON TELEPHONE COMPANY, LIMITED,
OF CERTAIN WIRELESS TELEPHONE SER-
VICES.

[5th May, 1939]

SECTION

- 1.—Company authorized to establish wireless communication system.
- 2.—Plant to conform to certain standards.
- 3.—Limitations on use of system.
- 4.—Connection with Avalon Telephone Company Act, 1938.

SECTION

- 5.—Stations to be licensed.
- 6.—Rates subject to approval of Governor in Commission.
- 7.—Special rates to be charged to Government.
- 8.—Renting of system for broadcasting purposes.
- 9.—Short title.

WHEREAS by virtue of the Act No. 6 of 1938 and otherwise the Avalon Telephone Company, Limited, was authorized to operate a telephone service in the city of St. John's and in certain parts of the Avalon Peninsula and is operating certain telephone services thereunder;

AND WHEREAS by Clause 14 (e) of the Agreement annexed to the Act 5 Edward VII, Chapter 10, the Anglo-Newfoundland Development Company, Limited, was authorized to build and operate certain telephone lines;

AND WHEREAS by Clause 11 of the Agreement annexed to the Act 6 George V, Chapter 4, the Newfoundland Products Corporation Limited was authorized to build and operate certain telephone lines which lines by divers mesne assignments and acts in the law have become vested in Bowater's Newfoundland Pulp and Paper Mills Limited;

AND WHEREAS by Section 5 of the Act No. 20 George V, Chapter 4, the United Towns Electric Com-

pany, Limited, was authorized to install and operate a telephone system over certain territory in the Burin Peninsula;

AND WHEREAS in and by Clause 6 of Schedule C to the Act No. 6 of 1938 (The Avalon Telephone Company Act, 1938) the Government agreed to consider on its merits any proposal by the Company to extend its telephone services whether by land lines or wireless to other parts of Newfoundland in addition to those in which it had authority to operate under the said Act;

AND WHEREAS the Company has requested permission to establish intercommunication by wireless telephone between its telephone exchange in St. John's and the exchanges of the telephone systems operated by the Anglo-Newfoundland Development Company, Limited, and the Bowater's Newfoundland Pulp and Paper Mills, Limited, and the United Towns Electric Company, Limited, aforesaid;

AND WHEREAS the three Companies last mentioned are desirous of having such intercommunication established;

AND WHEREAS it is in the public interest that such intercommunication be provided;

A.D. 1939. **Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Company
authorized to
establish
wireless
communication
system.

1. The Company is hereby authorized, anything in Chapter 35 of the Consolidated Statutes (Third Series) entitled "Of the Postal and Telegraph Services" to the contrary notwithstanding, to establish wireless telephone communication between its telephone exchange in St. John's and the exchanges of the telephone systems oper-

ated by the Anglo-Newfoundland Development Company, Limited, in and about Grand Falls and Bowater's Newfoundland Pulp and Paper Mills, Limited, in and about Corner Brook, and United Towns Electric Company, Limited, in the Burin Peninsula and to transmit telephone messages between the said exchanges.

2. The plant and equipment to be used in the conduct of these intercommunication services shall conform to the best engineering standards and shall include apparatus of the type commonly known as the "Speech Scrambler" or equivalent apparatus to provide for the secrecy of wireless telephone communication. Plant to conform to certain standards.

3. (1) Intercommunication services contemplated by this Act shall, save as in subsection (3) of this section provided, be for the purpose only of linking existing systems of telephones in order that messages originating in one of the said existing systems may be received in another and the Company shall not permit any message to be received from the public or delivered to the public from the wireless intercommunication services as such. Limitations on use of system.

(2) The said intercommunication services shall be used only for the purpose of transmitting speech between individuals or for broadcasting purposes and shall not be used directly or indirectly for the transmission of telegrams or other written messages the monopoly whereof remains in the Commissioner for Finance under Chapter 35 of the Consolidated Statutes (Third Series) entitled "Of the Postal and Telegraph Services".

(3) The Company may operate one Telephone Station in Grand Falls and another in Corner

Brook not connected to the local exchange systems at those places, which the public may use for the purpose of speaking over the said intercommunication services.

Connection
with Avalon
Telephone
Company
Act, 1938.

4. The intercommunication services herein authorized shall be considered as part of the equipment and effects of the Avalon Telephone Company, Limited, and the provisions of the Avalon Telephone Company Act of 1938 in so far as they are applicable shall be deemed to apply also to these intercommunication services.

Stations to
be licensed.

5. Each wireless telephone system which may be established for the purposes of these intercommunication services shall be licensed in accordance with the provisions of the Radiotelegraph Acts and regulations from time to time in force.

Rates subject
to approval of
Governor in
Commission.

6. The rates for telephone calls passing over these intercommunication services shall be fixed by the Company and shall be subject to the approval of the Governor in Commission, and any changes in these rates which may be made by the Company from time to time shall be subject to the like approval.

Special rates
to be charged
to Government.

7. Telephone calls upon public business chargeable to the Government of Newfoundland or its officers shall be charged by the Company at one half the lowest rate charged to the public and shall have priority in transmission over telephone calls made by the public.

Renting of
system for
broadcasting
purposes.

8. The Company shall at any time upon forty-eight hours' notice to that effect from the Broadcasting Corporation of Newfoundland rent to the said Corporation the use of any of the Company's intercommunication services for the purpose of transmitting programmes originating outside St. John's to any broadcasting station of the Cor-

1939

**Avalon Telephone Company (Long
Distance) Act**

No. 9

43

poration for the purposes of being rebroadcast and the rental for any intercommunication service used for this purpose shall be five dollars (\$5.00) per hour.

9. This Act may be cited as the Avalon Telephone ^{Short title.}
Company (Long Distance) Act, 1939.

AN ACT RESPECTING NEWFOUNDLAND NOTES

[26th April, 1939]

SECTION

- 1.—Notes to be legal tender.
- 2.—Security for and redemption of notes.

SECTION

- 3.—Redemption account to be maintained.
- 4.—Repeals.
- 5.—Short title.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:—

Notes to be
legal tender.

1. Newfoundland notes lawfully issued under the authority of the Act 9 & 10 George V, Chapter 42, entitled "An Act Respecting Newfoundland Notes", and outstanding at the date of this Act (hereinafter referred to as "Newfoundland notes") shall continue to be legal tender in every part of Newfoundland in payment of sums not exceeding Fifty Dollars until redeemed in the manner hereinafter provided.

Security for
and redemption
of notes.

2. Newfoundland notes shall be secured on the general revenue of Newfoundland and shall be redeemable in legal tender other than Newfoundland notes on presentation at the office of the Department of Finance at St. John's and at such other places as the Commissioner for Finance may from time to time direct.

Redemption
account to be
maintained.

3.. (1) A Newfoundland Notes Redemption Account shall be maintained at a Bank in St. John's to be designated by the Commissioner for Finance, and the Commissioner for Finance shall from time to time deposit to the credit of this account sums required for the redemption of outstanding Newfoundland notes.

(2) The funds so deposited to the credit of the Newfoundland Notes Redemption Account shall be employed and paid out from time to

time as required to redeem Newfoundland notes in accordance with this Act.

4. (1) Chapter 198 of the Consolidated Statutes^{Repeals.} (Third Series) entitled "Of Cash Notes" is hereby repealed.

- (2) The Act 9 & 10 George V, Chapter 42, is hereby repealed.

5. This Act may be cited as The Newfoundland Notes^{Short title.} Act, 1939.
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AN ACT RESPECTING THE CURRENCY

[26th April, 1939]

SECTION

1.—Notes of Bank of Canada
to be legal tender.

2.—Act to be read with 8

SECTION

George V, Chapter 35 and
22 George V (2nd Session)
Chapter 1.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:—**Notes of Bank
of Canada to be
legal tender.**1.** Notes of the Bank of Canada issued and valid
under the laws of Canada shall pass current and be legal
tender to any amount in Newfoundland and its Depend-
encies; and without prejudice to the generality of the fore-
going such notes shall hereafter be legal tender in satis-
faction of any obligation to pay in gold coin or any
specific tender.Act to be read
with 8 George
V, Chapter 35
and 22 George
V (2nd Session)
Chapter 1.**2.** This Act shall be read with the Acts 8 George V,
Chapter 35, entitled "An Act Respecting the Currency",
and 22 George V (Second Session) Chapter 1, entitled
"An Act to Make Provision for Controlling the Export
of Gold and for Regulating the Currency", and the three
together may be cited as the Currency Acts, 1917-1939.

AN ACT FURTHER TO AMEND CHAPTER 51 OF THE
CONSOLIDATED STATUTES (THIRD SERIES)
ENTITLED “OF NUISANCES AND MUNICIPAL
REGULATIONS”.

[6th May, 1939]

SECTION—		SECTION—
1.—Amendment	Section 29	2.—Repeal and substitution
Cap. 51	Consolidated	Section 31; castration of
Statutes.	..	animals.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:—

1. Section 29 of Chapter 51 of the Consolidated Statutes (Third Series) is hereby amended by deleting from the fifth line thereof the words “or Justice of the Peace”.

Amendment
Section 29
Cap. 51
Consolidated
Statutes.

2. Section 31 of the said Chapter is hereby repealed and the following substituted therefor:

Repeal and
substitution
Section 31;
castration of
animals.

31. All bulls, horses, sheep and pigs in this Colony, except those intended for breeding purposes, and registered as hereinafter provided, shall be castrated at the times following, that is to say:—

All bull calves before they attain the age of two months.

Entire horses or colts before they attain the age of fifteen months.

Ram lambs before they attain the age of six weeks.

Boar pigs before they attain the age of two months.

Provided nothing in this section shall be held to apply to animals which are kept strictly within their owner’s premises or under their owner’s control.

AN ACT TO AMEND CHAPTER 98 OF THE
CONSOLIDATED STATUTES (THIRD SERIES)
ENTITLED "OF THE PENITENTIARY AND
PRISON LABOUR".

[6th May, 1939]

SECTION

1.—Medical examination of
prisoners.

SECTION

2.—Act to be read with Cap.
98 C.S.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:—**

Medical
examination of
prisoners.

1. It shall be the duty of the Superintendent or person for the time being in charge of the Penitentiary to cause a medical examination to be made of every prisoner upon his or her admission to the Penitentiary or so soon thereafter as he can obtain the services of a medical practitioner to make the same; and it shall be lawful for such medical examination to include any form of examination or test, including a blood test, ordinarily used for the detection of any disease or condition not apparent on external examination.

Act to be read
with Cap. 98
C.S.

2. This Act shall be read with and form part of Chapter 98 of the Consolidated Statutes (Third Series).

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR REPAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[16th May, 1939]

SECTION 1.—Authority for issue of \$75,000.
Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sum hereinafter mentioned is required to defray certain expenses of the Public Service of Newfoundland for the financial year ending the thirtieth day of June, One thousand nine hundred and thirty-nine, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

That it may be enacted by the Governor, by and with the A.D. 1939.
advice of the Commission of Government, as follows:

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding seventy-five thousand dollars (\$75,000), and the said sums so issued shall be paid and applied by the Department named in the Schedule of this Act in respect of the year extending from the first day of July, One thousand nine hundred and thirty-eight to the thirtieth day of June, One thousand nine hundred and thirty-nine, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the said

Authority
for issue
of \$75,000.

Schedule, and the said Department is hereby authorized and shall have power to carry out the purpose set forth in the said Schedule.

Schedule.

SCHEDULE.

Head of Expenditure	Department	Amount
<hr/>		
II	Finance	
	To cover a loan to the Labrador Development Company, Limited	\$75,000
<hr/>		

AN ACT TO AMEND THE SHIPBUILDING
(BOUNTIES) ACT, 1938.

[16th May, 1939]

SECTION

- 1.—Amendment Section 5
Shipbuilding (Bounties)
Act, 1938; anchors and
cables.
2.—Correction of misprint.

SECTION

- 3.—Amendment Schedule C.
4.—Schedules E and F added.
Schedule E.
Schedule F.

**Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:**

1. Section 5 of the Shipbuilding (Bounties) Act, ^{Amendment} 1938 (No. 38 of 1938), is hereby amended by adding ^{Section 5} thereto a further subsection as follows:—
^{Shipbuilding}
^{(Bounties) Act,}
^{1938; anchors}
^{and cables.}

(3) Every ship built according to Schedule A, B,
C or D shall be equipped with not less than—

(a) Anchors to the number and of the weights
set opposite her tonnage in Schedule E to
this Act.

(b) Chain cables to the number and of the
sizes set opposite her tonnage in Schedule
F to this Act, the same having passed
Lloyds' tests.

2. Schedule A to the said Act is hereby amended by ^{Correction of} striking out of the eighth paragraph the words "one ^{misprint.} bilge" and substituting therefor the words "the bilge".

3. Schedule C to the said Act is hereby amended as ^{Amendment} follows:—
^{Schedule C}

(a) In the third paragraph by striking out the
words "20 to 30 tons" and substituting there-
for the words "20 to 25 tons".

- (b) In the fourth paragraph by striking out the words "30 to 40 tons" and substituting therefor the words "25 to 30 tons".
- (c) In the fifth paragraph by striking out the words "30 tons" and substituting therefor the words "25 tons".
- (d) In the seventh paragraph by striking out the words "30 tons" and substituting therefor the words "25 tons".
- (e) In the eleventh paragraph by striking out the words "30 tons" and substituting therefor the words "25 tons".
- (f) In the twelfth paragraph by striking out the words "30 tons" and substituting therefor the words "25 tons".

Schedules E
and F added.

4. The following are added to the said Act as
Schedule E and F respectively.

SCHEDULE E.

Schedule E.

ANCHORS

To be fitted on Vessels Built for Bounty

Weights to be not less than shown.

Tons	WEIGHT IN POUNDS				
	No.	1st Bower	2nd Bower	Stream	Kedge
12 to 15	2	150	120	.....	.....
15 to 20	2	175	140	.....	.....
20 to 25	2	200	160	.....	.....
25 to 35	2	250	200	.....	.....
35 to 45	3	350	280	.....	100
45 to 50	3	450	360	.....	100
50 to 60	4	500	400	250	150
60 to 75	4	600	480	300	150
75 to 100	4	750	650	400	200

Schedule F.

SCHEDULE F

CHAIN CABLES—LLOYDS' TEST

To be fitted on Vessels Built for Bounty

Size and length to be not less than shown.

Tons	Fathoms	Size		Fathoms	Size
12 to 20	60	1/2"	....	.....	.....
20 to 25	30	1/2"	and	45	9/16"
25 to 35	45	9/16"	and	45	5/8"
35 to 45	45	5/8"	and	45	3/4"
45 to 50	45	5/8"	and	60	3/4"
50 to 60	60	3/4"	and	60	13/16"
60 to 75	60	3/4"	and	60	7/8"
75 to 100	60	7/8"	and	75	15/16"

AN ACT FURTHER TO AMEND CHAPTER 173 OF
THE CONSOLIDATED STATUTES (THIRD SER-
IES) ENTITLED "OF WRECK AND SALVAGE".

[16th May, 1939]

SECTION

- 1.—Repeal of Section 29.
- 2.—Amendment of Section 30;
compensation of Commis-
sioners.
- 3.—Powers of Minister of
Marine and Fisheries

SECTION

- transferred to Commis-
sioner for Public Utilities.
- 4.—Removal of wreck which
is menace to navigation.
- 5.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:—

1. Section 29 of Chapter 173 of the Consolidated Statutes (Third Series) entitled "Of Wreck and Salvage" is hereby repealed.

2. Section 30 of the said Chapter is hereby amended by striking out the words "one hundred dollars" therein contained and substituting therefor the words "two hundred dollars".

3. (1) Whenever in the said Chapter there is named or reference is made to the Minister of Marine and Fisheries the same shall be read as if there was named or reference was made to the Commissioner for Public Utilities.

(2) The provisions of the preceding subsection shall have effect in substitution for the provisions of Section 9 of Chapter 1 of the Consolidated Statutes (Third Series) entitled "Of the Promulgation and Construction of Statutes" added to the said Chapter 1 by Section 6 of the Act No. 1 of 1934.

Removal of wreck which is menace to navigation.

4. If it appears to the Commissioner for Public Utilities that any wreck on the seashore or on or near any rock, shoal or bank in Newfoundland or Labrador or any of the adjacent islands and whether within the limits of a harbour or not, is or is likely to become an obstruction or danger to navigation, the Commissioner may authorize any person to—

- (a) take possession of and raise, remove or destroy the whole or any part of the wreck; and
- (b) light or buoy any such wreck or part until the raising, removal or destruction thereof; and
- (c) deliver any such wreck or part when recovered to the proper Wreck Commissioner if the same shall appear to have any saleable value;

and all expenses properly incurred by such persons in connection with the foregoing may be recovered from the said owner by action in any court having jurisdiction to the amount claimed or from the proceeds of sale of such wreck upon sale thereof.

Short title.

5. This Act shall be read with Chapter 173 of the Consolidated Statutes (Third Series) and the two may be cited together as the Wreck and Salvage Acts, 1916-1939

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1939.

[18th May, 1939]

SECTION

- 1.—Amendment to Section 1, Revenue Act, 1939; interpretation.
- 2.—Control of certain colouring in hydrocarbon oils.
- 3.—Control of sale of hydrocarbon oils.
- 4.—Restrictions on dealing in purple-dyed motor fuel.
- 5.—Registration of boats and tractors.
- 6.—Miscellaneous provisions regarding licences.
- 7.—Licence-holder not to sell

SECTION

- purple-dyed motor-fuel save to permit-holders.
- 8.—Extension of Section 195 Customs and Excise Act, 1939.
- 9.—Penalties.
- 10.—Regulations.
- 11.—Amendment of Schedules to Revenue Act, 1939.
- 12.—Act to be read with Revenue Act.
- 13.—Time of coming into operation.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. Section 1 of the Revenue Act, 1939, is hereby amended by adding thereto paragraphs lettered (w) and (x) as follows:

Amendment to
Section 1,
Revenue Act,
1939; inter-
pretation.

(w) “sale” or “sell” in reference to gasoline or motor fuel or like hydrocarbon oil means to solicit or receive an order for; to keep or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with intent to sell; to traffic in; or for any onerous consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person.

(x) “premises” means any place, building, warehouse, store or conveyance to which the public has access, and any place of public resort, including any shop or store in which any goods are exposed or stored for sale, as well as any

rooms connecting therewith and may include a vessel or boat.

Control of certain colouring in hydrocarbon oils.

2. (1) No person shall, save with the approval of the Board of Customs, import into Newfoundland any gasolene, motor fuel or other hydrocarbon oil coloured with purple dye.
- (2) No person shall mix or cause to be mixed any purple dye with any hydrocarbon oil imported into or being in Newfoundland nor mix or cause or permit to be mixed any hydrocarbon oil coloured with purple dye with any other hydrocarbon oil.

Control of sale of hydrocarbon oils.

3. (1) Gasolene or motor fuel or like hydrocarbon oil shall not be sold, or kept with intent to sell, except in or from premises licensed for the purpose by the Board of Customs; and one sale shall suffice to establish intent to sell.
- (2) A licence fee of two dollars and fifty cents shall be payable annually in advance in respect of such premises at or from which gasolene, motor fuel or like hydrocarbon oil is sold. Such fee shall be payable on the first day of June in every year. Any licence issued before

the 31st day of May, 1940, shall however run from the date of issue to such 31st day of May, 1940.

Restrictions on dealing in purple-dyed motor fuel.

4. (1) No motor fuel of the kind mentioned in Item 226a of Schedule A to the Revenue Act, 1939, as added by this Act shall be kept, had in charge, possessed or transported by any person whether for himself or for another and whether for reward or gratuitously except—

- (a) in premises licensed by the Board;
 - (b) in the residence or premises of any person holding a permit to purchase, use or possess the same;
 - (c) in the personal custody of a person holding a permit to purchase, use or possess the same; or in the personal custody of the agent either of vendor or of purchaser while in transit between vendor and purchaser.
- (2) No person not licensed or permitted so to do under the provisions of this Act shall import, sell or buy any of the said motor fuel.
5. (1) The owner or user of any vessel or boat (not being a pleasure vessel or boat) owned in Newfoundland may register the same without charge with the Board of Customs for the purpose of obtaining a permit to purchase, use or possess motor fuel of the kind mentioned in Section 4 of this Act, on filling up and forwarding to the Board of Customs an application in such form as they may prescribe, and any fishing boat which at the date of the passing of this Act has already been registered under Section 38 of the Revenue Act, 1939, or under Part I of the Merchant Shipping Act, 1894, shall be deemed to be registered for the purpose of this Act.
- Registration of
boats and
tractors.
- (2) The owner or user of any tractor to be used solely in agriculture or in logging and not intended to be run upon or over the highroads, may for the purpose of obtaining a permit to purchase, use or possess motor fuel of the said kind register such tractor with

the Board of Customs without charge by filling up and forwarding to the Board an application in such form as they may prescribe.

Miscellaneous provisions regarding licences.

6. (1) The Board of Customs may refuse to grant, or may revoke, any permit, or may refuse to register any premises, vessel, boat, or tractor for the purposes of this Act, without assigning any cause for such refusal or revocation.

(2) A licence granted by the Board authorising the sale of gasoline or motor fuel or like hydrocarbon oil or a certificate of registration as the owner or user of a vessel, boat or tractor, or a permit to purchase motor fuel of the kind mentioned in Section 4 of this Act shall not be transferable.

(3) Every licence authorising the sale of gasoline or motor fuel or like hydrocarbon oil at or in respect of any premises shall be kept constantly and permanently exhibited therein.

Licence-holder not to sell purple-dyed motor-fuel save to permit-holders.

7. The holder of a licence in respect of premises at or from which gasoline, motor fuel or like hydrocarbon oil is permitted to be sold shall not sell motor fuel of the kind referred to in Section 4 of this Act to any person not holding a permit to receive the same.

Extension of Section 195, Customs and Excise Act, 1939.

8. The powers vested in the Board of Customs under Section 195 of the Customs and Excise Act, 1939, shall apply in respect of every offence under the Revenue Act, 1939, or under this Act, or of the breach of any regulation made under the authority of the said Act or of this Act.

Penalties.

9. Every person who shall commit a breach of any of the provisions of this Act or of the regulations made under the authority of this Act shall be liable on summary conviction to a penalty not exceeding \$400, or

treble the value of any goods which may be the subject of such breach, whichever is the greater, and in default of payment to imprisonment for a period not exceeding twelve months, and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence be convicted his licence may be forfeited and the Board of Customs may refuse to grant him a new licence for such period as they may determine.

10. For the better administration of this Act, the Board of Customs may make regulations, which shall be published in the Newfoundland Gazette, governing the importation, storage or sale of any of the oils or products mentioned in Items 225 to 231 inclusive, of Schedule A to the Revenue Act, 1939, as added by this Act, and may by such regulations determine what oils shall be deemed to be included in the expression "like hydrocarbon oils" used in this Act. Regulations.

11. The several items set forth in the Schedule here- to are hereby substituted for the Items in Schedules A and B to the Revenue Act, 1939, bearing corresponding numbers; or, in the case of New Items, are inserted in their proper numerical places. Amendment of Schedules to Revenue Act, 1939.

12. This Act shall be read with the Revenue Act, 1939, as if it were part thereof. Act to be read with Revenue Act.

13. This Act shall come into operation at midnight on the 21st day of May, 1939. Time of coming into operation.

THE SCHEDULE TO THIS ACT
AMENDMENTS TO SCHEDULE A

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
225	Gasolene and motor spirit, N.E.S., when imported or brought into the under-mentioned ports in the Avalon Peninsula or such other ports as the Board of Customs may from time to time determine, viz:— St. John's, Bay Bulls, Cape Broyle, Ferryland, Trepassey, St. Mary's, Argentia, Holyrood, Bell Island, Bay Roberts, Harbour Grace, Carbonear and Old Perlican...	per gal.	\$0.13	\$0.13	\$0.13
226	Gasolene and motor spirit, N.E.S., when imported or brought into ports other than ports enumerated in the immediately preceding item	per gal.	\$0.11	\$0.11	\$0.11
New Item 226a	Motor fuel, viz: light hydrocarbon oil of low octane classification coloured with purple dye	per gal.	\$0.01	\$0.01	\$0.01
229	Crude petroleum and fuel oil, N.E.S.	per gal.	\$0.01	\$0.01	\$0.01
New Item 229a	Bunker fuel, a hydrocarbon oil product, unsuitable for use in internal combustion engines and requiring artificial heating before consumption	per brl. of 35 gals.	\$0.23	\$0.23	\$0.23

AMENDMENTS TO SCHEDULE B.

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1330a	Gasolene and motor spirit, N.E.S.	imported or brought into and duty paid at the ports at the rates of duty specified in Tariff Item No. 225 and removed as merchandise to other parts of the country; subject to regulations made by the Board of Customs.	2c. per gallon to the importer of the goods.
D1330b	Gasolene and motor spirit, N.E.S.	used on board a registered fishing boat, and in compliance with Section 38 of this Act.	100% of the net duty paid.

AN ACT FURTHER TO AMEND THE ST. JOHN'S MUNICIPAL ACT, 1921, AND ACTS IN AMENDMENT THEREOF.

[2nd June, 1939]

SECTION

- 1.—Trial of offences.
- 2.—Transfer of Old Railway Track.
- 3.—Registration of leases of Crown Lands in City.
- 4.—Restrictions on traffic in streets.
- 5.—Cost of curbs and gutter.

SECTION

- 6.—Municipal Arrears Commission.
- 7.—Water rates on shipping.
- 8.—Fee for water supply, sailing vessels.
- 9.—Fee for water supply, steamers and motor vessels.
- 10.—Order for water supply.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Trial of offences.

1. Section 43 of the St. John's Municipal Act, 1921, as amended by the Act No. 51 of 1934 is hereby repealed, and the following is substituted therefor:

43. (1) Except where otherwise provided all offences against this or any other Act relating to the municipal affairs of the City or against any rules, regulations or bye-laws made by the Council under the authority of this or any such other Act shall be triable summarily before a stipendiary magistrate on the complaint of the City or of any police constable.

(2) Any person aggrieved by any conviction under this section may appeal therefrom to the Supreme Court upon—

(a) giving notice to the convicting magistrate within two days of his intention to appeal; and

- (b) entering within four days into securities to the satisfaction of such magistrate to prosecute such appeal without delay and to abide by the result thereof.

2. The following is enacted to stand as Section 68. (A) of the said Act: Transfer of
Old Railway
Track.

68. (A) All rights which reside in the Governor in Commission in connection with the Old Railway Track from the junction of Quidi Vidi Road and Plymouth Road to the intersection of the said track with Pennywell Road are hereby transferred to and vested in the Council for the public and common benefit and use of the City of St. John's.

3. Section 69 of the said Act is hereby repealed and the following is substituted therefor: Registration
of leases of
Crown Lands
in City.

69. (1) To the intent that all titles to Crown lands within the limits of the City shall be inspected and true record made thereof the Council shall by notice to be published in two City daily newspapers, once a week for four successive weeks, require any person claiming to hold Crown lands within the city by any Crown lease or other title not registered in the Registry of Deeds or having any Crown land in possession without documents of title, to appear before the City Solicitor at the City Hall or at such other place and at such time as may be appointed in such notice for the purpose and to produce to such Solicitor his documents of title or to account for the same if lost or destroyed or to account for his possession as the case may be; and he shall also answer such questions as the Solicitor may put to him

and shall prove upon statutory declaration all such facts as the Solicitor may so require him to prove or sign any such memoranda of the facts in relation thereto as the Solicitor may require him to sign, and the Solicitor may register in the Registry of Deeds, free of charge, all such documents of title, memoranda or statutory declarations as he may think fit for the purpose of proving the existence and the terms of the tenancy.

- (2) If it shall appear to the City Solicitor that any person ought to be examined as a witness in relation to the title to any such Crown lands, the City Solicitor may in writing summon him to appear at such time and place as may be appointed and to answer questions and to make a statutory declaration covering the same and if any such person shall fail to appear and answer and make statutory declaration upon being summoned so to do, the City Solicitor may apply to a Judge of the Supreme Court in Chambers for an order that such person do so appear and answer and make a statutory declaration and if such person shall not obey such order he may be dealt with as for contempt of court.
- (3) Any person who neglects or fails to comply with the provisions of this section shall forfeit all right or title to any Crown land claimed to be held by him under any such lease or other title or by possession unless he shall within one calendar month after the service on him of notice of such forfeiture make good such default. Service of this notice may in case of vacant possession, when it cannot otherwise be effected, be

made by posting a copy of the notice upon the door of the building or other conspicuous part of the property.

4. Paragraph (c) of Section 131 of the said Act is hereby amended by adding at the end thereof the words "and to prescribe the class of traffic which may use such street or lane".

Restrictions on
traffic in
streets.

5. Paragraph (c) of Section 132 of the said Act and Section 3 of the Act 23 & 24 Geo. V, Chapter 13, are hereby repealed and the following is substituted for the said paragraph (c):

Cost of curbs
and gutter.

- (c) One half the cost of laying such curbs and gutters shall be paid by the City, and the other half by the owners of properties abutting on the street so improved: Provided, however, that the City shall pay the entire cost of laying the curb and gutter at such portions of the sidewalks as are wholly chargeable to the City under Section 130 of this Act.

6. Subsection (1) of Section 242 of the said Act as enacted by Section 8 of the Act No. 12 of 1937 is hereby amended as follows:

Municipal
Arrears
Commission.

- (a) By inserting after the words "for the purpose of collecting the same", the words "or to proceed in the name of the City by way of foreclosure under subsection (f) of Section 265 of this Act".
- (b) By adding at the end thereof the words: "All moneys collected by the said Commission shall be paid over by the Commission to the Council within seven days after the receipt thereof; and any instalments payable under any compromise or arrangement and falling

due for payment after the date when the said Commission finally goes out of office may be collected by the Council as a debt due to the City."

Water rates
on shipping.

7. Section 266 of the said Act is hereby amended by striking out all the words after "namely" and substituting therefor the following:

"By all sailing vessels, including vessels with auxiliary motors and by all motor vessels of one hundred gross registered tons or less, five cents per ton on the registered gross tonnage but not so as to exceed twenty dollars in any one year.

By all steamers and by motor vessels of over one hundred gross registered tons the sum of twenty dollars and the further sum of one cent per ton upon the gross registered tonnage."

Fee for
water supply,
sailing vessels.

8. Section 268 of the said Act is hereby amended by adding after the words "Sailing Vessels" the words "(including vessels with auxiliary motors) and motor vessels of one hundred gross registered tons or less".

Fee for
water supply,
steamers and
motor vessels.

9. Section 269 of the said Act is hereby amended by adding after the word "Steamers" the words "and motor vessels over one hundred gross registered tons".

Order for
water supply.

10. Section 272 of the said Act is hereby amended by striking out the words "sailing vessels or steamers" and substituting therefor the words "sailing or auxiliary vessels, motor vessels or steamers".

AN ACT TO AMEND AND CONSOLIDATE THE LAW
RELATING TO ACCIDENT INSURANCE
COMPANIES

[5th June, 1939]

SECTION—

- 1.—Insurance companies to be licensed.
- 2.—Kinds of insurance to which Act applies.
- 3.—Form and period of licence.
- 4.—Annual statement by licence holder.
- 5.—Accounts and information to be furnished by

SECTION—

- licence holder.
- 6.—Offences and penalties.
- 7.—Failure to make returns; penalty.
- 8.—Recovery of penalties and licence fees.
- 9.—Repeal.
- 10.—Short title.
- First Schedule.
- Second Schedule.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. (1) No person or company (hereinafter called an insurer) shall in relation to any kind of insurance to which this Act applies, accept any risk or issue any policy or interim receipt or receive any premium or carry on or transact any business of insurance in Newfoundland without first having obtained a licence from the Commissioner for Finance. Insurance companies to be licensed.

- (2) Where the insurer is domiciled outside Newfoundland the licence may be obtained and held by a person or company acting as agent for such insurer; and in such case the principal shall be deemed to be duly licensed.

2. This Act shall apply to all kinds of insurance in Newfoundland wherein the insurer undertakes: Kinds of insurance to which Act applies.

- (1) To insure any person against bodily injury, disablement or death resulting from accident or against disablement resulting from dis-

ease or against the expenses of hospital, surgical or medical treatment; or

- (2) to insure against loss or damage resulting from accident to, or injury suffered by, an employee or other person for which accident or injury the person insured is liable; or
- (3) to insure against liability resulting from accidental damage to property; or
- (4) to insure against loss or damage by burglary, theft, robbery or housebreaking; or
- (5) to insure glass, its fittings or lettering thereon, against breakage or damage; or
- (6) to insure against loss from injury to persons or property by any kind of machinery or mechanical apparatus, including boilers and compression tanks; or
- (7) to insure against any loss, expense or liability resulting from the ownership, maintenance and use or operation of any automobile or other motor vehicle, including theft and fire coverage on such automobiles or other motor vehicles; or
- (8) to insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps, water pipes or plumbing and its fixtures; or
- (9) to become surety or guarantor for any person, co-partnership or corporation in any position or place of trust or as a custodian of

money or property, public or private; to become a surety or guarantor for the performance by a person or company of any lawful obligation, undertaking, agreement or contract of any kind; or

- (10) to insure against the loss of commercial paper, or of money or of securities, or of any written evidence of debt or ownership, or of any document, all of every kind and character, and provided such loss shall not be caused by fire; or
- (11) to insure against loss caused by forgery or alteration of any instrument or writing; or
- (12) to insure against loss caused by the theft of property, or its wrongful conversion, disposal or concealment, or by malicious injury thereto; or
- (13) to insure against riots or civil commotions or risks arising therefrom; or
- (14) to insure against any other casualty or risk which may now or hereafter lawfully be made the subject of insurance.

3. The licence shall be in such form as the Commissioner for Finance shall from time to time determine; and except in the case of the first licence issued under this Act to an insurer, which may be for a shorter period, the licence shall be for one year and shall expire on the 31st day of October. The fee for the said licence shall be fifty dollars, to be paid before the issue of the same.

Form and
period of
licence.

4. Every insurer carrying on any such insurance business as aforesaid, shall, before the 30th day of April

Annual statement by licence holder.

in every year, furnish to the Commissioner for Finance a statement of the affairs of the insurer for the last preceding calendar year as nearly as possible according to the form set forth in the First Schedule hereto except in cases where the insurance is placed through a broker and in the opinion of the Commissioner it is not practicable to obtain such statement.

Accounts and
information to
be furnished
by licence
holder.

5. Every insurer shall when applying for a licence furnish to the Commissioner for Finance a copy of its or his last annual Balance Sheet and Profit and Loss Account and shall when required by the Commissioner for Finance furnish any further information as to its business in addition to that contained in the said Sheet and Account; subject to the same exception as is mentioned in the next preceding section.

Offences and
penalties.

6. Any insurer who, except under licence from the Commissioner for Finance granted pursuant to the provisions of this Act shall within Newfoundland—

- (a) advertise for, solicit or carry on any business of insurance; or
- (b) collect or receive any premium; or
- (c) issue or deliver any receipt or policy of insurance; or
- (d) inspect any risk or adjust any loss; or
- (e) prosecute or maintain any suit, action or proceeding, or file any claim in insolvency relating to the business of insurance,

shall be guilty of an offence and liable upon indictment or upon summary conviction to a penalty not exceeding one hundred dollars and to imprisonment for any term not exceeding one month.

7. Every company or person as aforesaid which makes default in furnishing the annual and other statements herein provided for shall be liable on summary conviction to a penalty not exceeding ten dollars for each day during which such default continues. ^{Failure to make returns; penalty.}

8. All penalties and licence fees shall be recoverable and enforceable with costs at the suit of the Commissioner for Finance, and when recovered shall be paid into the Consolidated Revenue Fund. ^{Recovery of penalties and licence fees.}

9. The Acts mentioned in the Second Schedule hereto are hereby repealed to the extent mentioned in the third column of such Schedule. ^{Repeal.}

10. This Act may be cited as the Accident Insurance Companies (Licensing) Act, 1939. ^{Short title.}

FIRST SCHEDULE

	Policies in force in Newfoundland		New policies issued during the year in Nfld.		Premiums written	Premiums earned	Amount of Claims
	No.	Amount	No.	Amount			
1. Accident resulting in bodily injury or death; disablement from disease; hospital, etc.							
2. Workmen's compensation							
3. Damage to property							
4. Burglary or housebreaking							
5. Plate glass							
6. Loss from injury to persons or property resulting from use of machinery							
7. Automobiles or other motor vehicles							
8. Damage or loss through sprinkler							
9. Fidelity and surety							
10. Commercial paper, money, securities or written evidence of debt							
11. Forgery or alteration of instruments							
12. Theft or robbery							
13. Riots							
14. Miscellaneous							

SECOND SCHEDULE

Enactments Repealed

Year and Session	Title or Short Title	Extent of Repeal
1. Consolidated Statutes (Third Series) Cap. 195.	"Of Accident Insurance Companies".	The whole Chapter.
2. 23 & 24 George V, Cap. 20.	"An Act respecting an amendment to Chapter 195 of the Consolidated Statutes (Third Series) entitled 'Of Accident Insurance Companies'".	The whole Act.

AN ACT RESPECTING THE USE OF FIREARMS AND
FIREWORKS DURING THE VISIT OF THEIR
MAJESTIES

[10th June, 1939]

SECTION

1.—Powers of Commissioner
for Justice regarding the

SECTION

use of firearms, etc.
2.—Penalty.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:

Powers of
Commissioner
for Justice
regarding the
the use of
firearms, etc,

1. The Commissioner for Justice may in respect of the occasion of the visit of Their Majesties the King and Queen to Newfoundland, by an order published in the Newfoundland Gazette, and in such other manner as he may deem fit, prohibit the discharge without a permit therefor from the Chief of Police of any gun, pistol, or other firearm, or the explosion or discharge without a like permit of any firework or other explosive device within such areas and periods as he may deem fit.

Penalty.

2. Any person committing a breach of this Act shall be liable on conviction to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days or to such imprisonment without the option of a fine.

AN ACT FURTHER TO AMEND CHAPTER 169 OF
THE CONSOLIDATED STATUTES (THIRD SER-
IES) ENTITLED "OF CERTIFICATES OF
MASTERS AND MATES".

[21st June, 1939]

SECTION

- 1.—Amdt. Sec. 1 of Cap. 169,
C.S.; power to appoint
any number of examiners.
- 2.—Amdt. Sec. 2.

SECTION

3.—Amdt. Sec. 4; number of examiners who may pass candidates.

Be it enacted by the Governor, by and with the advice of A.D. 1929,
the Commission of Government, as follows:

1. Section 1 of Chapter 169 of the Consolidated Statutes (Third Series) entitled "Of Certificates of Masters and Mates" as heretofore amended by the Act 19 George V, Chapter 7, is hereby further amended by striking out the words "may appoint Examiners" and substituting therefor the words "may appoint such number of examiners as he may think fit".

2. Section 2 of the said Chapter is hereby amended Amdt. Sec. 2.
by striking out the words “the other two” and substituting therefor the words “the others”.

3. Section 4 of the said Chapter as heretofore amended by the Act 19 George V, Chapter 7, is hereby further amended by inserting after the words "one of the assistant examiners" the words "or during the absence or illness of the examiner-in-chief by three of the assistant examiners".

AN ACT RELATING TO CO-OPERATIVE SOCIETIES.

[13th July, 1939]

SECTION

- 1.—Interpretation.
- 2.—(1) The Registrar.
(2) Seal of Registrar.
(3) Registered office.
- 3.—Societies which may be registered.
- 4.—Restriction on interest of member of society with limited liability and share capital.
- 5.—Conditions of registration.
- 6.—Application for registration.
- 7.—Classes of Co-operative Societies.
- 8.—Registration.
- 9.—Evidence of registration.
- 10.—Amendment of the Constitution of a registered society.
- 11.—Member not to exercise rights until due payment made.
- 12.—Votes of members.
- 13.—Restrictions on transfer of share or interest.
- 14.—Address of societies.
- 15.—Copy of Act and Constitution to be open to inspection.
- 16.—Audit by or on behalf of Registrar.
- 17.—Audit by persons appointed under provisions of Constitution.
- 18.—Annual return.
- 19.—Right to copies of annual return.
- 20.—Balance sheet and report to be displayed in office.
- 21.—Inspection of books by members.

SECTION

- 22.—Societies to be bodies corporate.
- 23.—Constitution to have effect of mutual covenant.
- 24.—Membership of minors.
- 25.—Promissory notes and bills of exchange.
- 26.—Contracts, how made, varied, or discharged.
- 27.—Charges and prior rights of societies.
- 28.—(1) Recovery of debts from member.
(2) Charge and set off in respect of shares or interest of member.
- 29.—Shares or interest not liable to attachment.
- 30.—Transfer of interest on death of member.
- 31.—Register of members.
- 32.—Proof of entries in societies' books.
- 33.—Exemption from stamp duties.
- 34.—Restrictions on loans.
- 35.—Restrictions on borrowing.
- 36.—Restrictions on other transactions with non-members.
- 37.—Investment of funds.
- 38.—Advances to members.
- 39.—(1) Profits not to be distributed before balance sheet certified.
(2) Limitation of dividends.
(3) Loan society with unlimited liability may not distribute profits.

SECTION

- 40.—Reserve fund.
- 41.—Distribution of profits.
- 42.—Contribution to charitable and educational purposes.
- 43.—Security by officers.
- 44.—Enquiry by Registrar.
- 45.—Inspection of books of indebted society.
- 46.—Costs of enquiry.
- 47.—Recovery of costs.
- 48.—Cancelling of registry.
- 49.—Winding up of societies.
- 50.—Instrument of dissolution.
- 51.—Appointment of liquidator.
- 52.—Liability of members in winding up.
- 53.—Accounts of liquidator; meeting; dissolution of society.

SECTION

- 54.—Application to court for supervision.
- 55.—Court to have regard to wishes of persons interested.
- 56.—Additional liquidators.
- 57.—Powers of liquidators.
- 58.—Staying of actions.
- 59.—Fees.
- 60.—Rules.
- 61.—Registrar may prescribe accounts and books for society and require returns.
- 62.—Offences.
- 63.—Prohibition of the use of the word “co-operative”; penalty.
- 64.—Agricultural Societies to register as co-operatives.
- 65.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. In this Act, unless the context otherwise requires: Interpretation.

(a) “constitution” means the registered constitution, rules and regulations for the time being in force made by a registered society, and includes a registered amendment to such constitution, rules and regulations.

(b) “Commissioner” means the Commissioner to whom for the time being the subject of Co-operative Societies shall be assigned by the Governor in Commission.

- (c) "committee" means the governing body of a registered society to whom the management of its affairs is entrusted.
- (d) "member" includes a person or registered society joining in the application for the registration of a society and a person or registered society admitted to membership after registration in accordance with the constitution.
- (e) "officer" includes a chairman, secretary, treasurer, member of committee, or other person empowered under the constitution to give directions in regard to the business of a registered society.
- (f) "registered society" means a society registered under this Act.
- (g) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act.
- (h) "Rules" means rules made under this Act.

REGISTRATION

The Registrar.

2. (1) The Governor in Commission shall appoint a Registrar of Co-operative Societies for Newfoundland and may appoint persons to assist such Registrar, and may by general or special order confer upon any such person all or any of the powers of the Registrar under this Act.

Seal of Registrar.

- (2) The Registrar shall have a seal of such device as may be approved by the Commissioner. Im-

pressions of such seal shall be judicially noticed and admitted in evidence.

- (3) There shall be an office in St. John's called the Registered office. Registry of Co-operative Societies, which shall be the office of the Registrar and the place of filing and deposit of all public documents relating to Co-operative Societies.

3. Subject to the provisions hereinafter contained, Societies which may be registered. a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established for the purpose of facilitating the operations of such societies, may be registered under this Act with or without limited liability: Provided that a registered society shall not be a member of another society the liability of the members whereof is unlimited, unless by virtue of a general or special order of the Commissioner.

4. Where the liability of the members of a society is Restriction on interest of member of society with limited liability and share capital. limited by shares, no member other than a registered society shall hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the Rules.

5. (1) No society other than a society of which a Conditions of registration. member is a registered society shall be registered under this Act which does not consist of at least nine persons of full legal capacity and residing in Newfoundland.

(2) The word "limited" shall be the last word in the name of every society with limited liability registered under this Act.

(3) No society shall be registered under a name identical with that by which any other exist-

ing society has been registered or so nearly resembling the same as to be likely to deceive.

- (4) The name of every registered society shall contain the word "co-operative".

Application for
registration.

6. (1) For purposes of registration an application to register shall be made to the Registrar in the prescribed form.

- (2) The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least nine persons qualified in accordance with the requirements of Section 5 (1); and

(b) in the case of a society of which a member is a registered society by a duly authorized person on behalf of every such society, and where all the members of a society are not registered societies by nine other members.

- (3) The application shall be accompanied by two copies of the proposed constitution of the society and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

Classes of
Co-operative
Societies.

7. (1) Every society shall be of one of the kinds or classes prescribed in Rules made hereunder.

- (2) The constitution of every registered society shall be substantially in the form prescribed by the Rules for a society of such kind or class: Provided that the Registrar may ap-

prove additions to or variations of such forms, not being contrary to anything in this Act or in any Rules made thereunder.

8. If the Registrar is satisfied that a society has complied with the provisions of this Act and the Rules and that its proposed constitution is not contrary to the Act or to the Rules, he may, if he thinks fit, register the society and its constitution and shall issue to the society a certificate of registration having annexed thereto a copy of the constitution certified and sealed by him. Registration.

9. A certificate of registration signed and sealed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled. Evidence of registration.

10. (1) No amendment of the constitution of a registered society shall be valid until the same has been registered under this Act, for which purpose two copies of the amendment shall be forwarded to the Registrar. Amendment of the Constitution of a registered society.

(2) If the Registrar is satisfied that the amendment of the constitution is not contrary to this Act or to any Rules made under this Act he may, if he thinks fit, register the amendment.

(3) When the Registrar registers an amendment of the constitution of a registered society, he shall issue to the society a copy of the said amendment certified and sealed by him which shall be conclusive evidence that the said amendment is duly registered.

RIGHTS AND LIABILITIES OF MEMBERS

Member not to exercise rights until due payment made.

11. No member of a registered society shall exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the constitution.

Votes of members.

12. Each member of a registered society shall have one vote only as a member in the affairs of the society whatever the amount of his interest therein: Provided that a registered society which is a member of any other registered society shall have as many votes as may be prescribed by the constitution of such other society, and may, subject to such constitution appoint any number of its members not exceeding the number of such votes to exercise its voting power.

Restrictions on transfer of share or interest.

13. (1) The transfer or charge of the share or interest of a member in the capital of a registered society in any case permitted by the Act or by Rules made thereunder or by its constitution shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the Rules or by its constitution.

(2) In case of a society registered with unlimited liability a member shall not transfer or charge any share held by him or his interest in the capital of the society or any part thereof unless—

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to a member of the society or to any other person approved by the committee of the society

to the end that he may become a member of the society.

DUTIES OF REGISTERED SOCIETIES

14. Every registered society shall have an address registered in accordance with the Rules, to which all notices and communications may be sent, and shall file with the Registrar notice of the address thereof and of every change thereof.

Address of societies.

15. (1) Every registered society shall keep a copy of this Act and of the Rules made thereunder and of its constitution, open to inspection free of charge at all reasonable times at the registered office of the society.

Copy of Act and Constitution to be open to inspection.

(2) Every registered society shall issue free of charge to every member thereof a copy of the constitution of the society and of every alteration thereof.

AUDIT AND ANNUAL RETURN

16. (1) The Registrar shall audit or cause to be audited by some person authorized by him by general or special order in writing in this behalf the accounts of every registered society once at least in every financial year of the society subject as hereinafter provided.

Audit by or on behalf of Registrar.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the society: Provided that if such valuation is not made by the auditor himself he should state the basis on which and the authority by which it has been made.

- (3) The Registrar or any person authorized by general or special order in writing in this behalf by the Registrar shall at all times have access to all books, records, accounts, deeds, documents, securities and other papers of a society and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require.
- (4) The Registrar and every person authorized by him to audit the accounts of a society shall have power when necessary:
- (a) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transactions of the society or the management of its affairs; and
 - (b) to require the production of any books, records, accounts, deeds, documents, securities and other papers of or any cash belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.
- (5) The Registrar may in his discretion accept in lieu of the audit by himself or by some person authorized by him under this section the audit of the society's auditors provided for under Section 17 of this Act.

Audit by persons appointed under provisions of Constitution.

17. (1) Every registered society shall once at least in every year submit its accounts for audit to one or more persons appointed as the constitution of the society provides.

- (2) The auditors shall have access to all the books, records, accounts, deeds, documents, securities and other papers of the society, count the cash and verify the assets and securities of the society, and shall examine the statements showing the receipts and expenditures, funds and effects of the society and verify the same, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find them incorrect, unvouched or not in accordance with law.
- (3) If the Registrar shall have audited or caused to be audited the accounts of a registered society he may in writing relieve such society of the obligation under this section in respect of the period covered by his audit.
- 18.(1) Every registered society shall once in every ^{Annual} year and not later than such date as may be ^{return.} prescribed by the Rules, send to the Registrar an annual return of the receipts and expenditures, funds and effects of the society as audited.
- (2) The annual return—
- (a) shall be signed by the auditors appointed by the society; and
- (b) shall show separately the expenditure in respect of the several objects of the society; and
- (c) shall cover the period from the last annual return, or in the case of a new society, from the date of registration, either to

the 31st day of December next following, or to the date of the next annual balance sheet of the society provided such date is between December 1st and January 31st; and

(d) shall state the name, address, and calling or profession of every such auditor, and the manner in which, and the authority under which he is appointed.

(3) The society shall, together with the annual return, send a copy of the report of the auditors, or, if more than one such report has been made during the period included in the return, a copy of each of such reports.

Right to copies of annual return. **19.** Every registered society shall supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society.

Balance sheet and report to be displayed in office. **20.** Every registered society shall keep a copy of the last annual balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.

INSPECTION OF BOOKS

Inspection of books by members. **21.** (1) Save as provided by this Act, no member or person shall have any right to inspect the books of a registered society.

(2) Any member or person having an interest in the funds of a registered society shall be allowed to inspect his own account and the books containing the names of the members at all reasonable hours at the registered office

of the society or at any place where the same are kept, subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society.

- (3) A registered society may, by its constitution, authorize the inspection of any of its books, in addition to the said books containing the names of the members under such conditions as are thereby imposed, but so that no person unless he be an officer of the society, or be specially authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without the written consent of such other member.

PRIVILEGES OF REGISTERED SOCIETIES

22. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold movable and immovable property of every description, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

Societies to be
bodies corporate.

23. Upon registration of the constitution of a society the society and its members shall be bound thereby to the same extent as if each member had subscribed his name and affixed his seal thereto and there were in such constitution a covenant on the part of himself, his executors, administrators and assigns to conform to such constitution subject to the provisions of this Act and the Rules made thereunder. An amendment to the constitution shall when registered be binding in like manner.

Constitution
to have effect
of mutual
covenant.

Membership of
minors.

24. A person under the age of twenty-one but above the age of sixteen may be a member of a registered society unless provision be made in the constitution thereof to the contrary, and may, subject to the constitution of the society, enjoy all the rights of a member except as by this Act provided, and execute all instruments and give all acquittances necessary to be executed or given under the constitution, but shall not be a member of the committee or officer of the society.

Promissory
notes and bills
of exchange.

25. A promissory note or bill of exchange shall be deemed to have been made, accepted or endorsed on behalf of any society, if made, accepted or endorsed in the name of the society, or by or on behalf or account of the society by any person acting under the authority of the society.

Contracts, how
made, varied,
or discharged.

26. (1) Contracts on behalf of a registered society may be made, varied or discharged as follows—

(a) Any contract, which if made between private persons would be by law required to be in writing under seal, may be made on behalf of the society in writing, under the common seal of the society, and may in the same manner be varied or discharged.

(b) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged.

(c) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society.

(d) Any contract, which if made between private persons would be by law valid though made by parole only and not reduced into writing, may be made by parole on behalf of the society by any person acting under the express or implied authority of the society and may in the same manner be varied or discharged.

(e) A signature purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall prima facie be taken to be the signature of a person holding, at the time when the signature was made, the office so stated.

(2) All contracts which may be made, varied or discharged according to the provisions contained in this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their executors or administrators, as the case may be.

27. (1) A registered society shall be deemed to have **Charges and**
a first charge—
prior rights
of societies.

- (a) in respect of the supply of agricultural requisites or of the loan of money for the purchase of the same—upon the crops or other agricultural produce of the member or person to whom the same was supplied or lent;
- (b) in respect of the supply of livestock for farming, breeding or like purposes or of agricultural implements or machinery—upon any such thing so supplied or purchased in whole or in part from any such loan or upon the progeny produced and the crops raised thereby;
- (c) in respect of the supply of industrial implements or machinery or raw materials for manufacture or the loan of money for purchase of any of the foregoing things—upon any such thing so supplied or produced in whole or in part from any such loan or in articles or goods manufactured by the machinery or with the raw materials so supplied or purchased;
- (d) in respect of the advance of supplies or equipment for any fishery or for the loan of money therefor—upon the fish or other products of such fishery caught or produced by such member or person at any time within one year from the date when the fishery supplies were advanced or the money was lent:

Provided that this section shall not affect the claim of any creditor to priority under the provisions of the Judicature Act, Sections 241 to 252, and provided that the Society shall rank *pari passu* in case of insolvency with the cur-

rent supplier within the meaning of Section 253 of the said Act.

- (2) Subject as aforesaid any claim in respect of which a registered society has a charge under this section may be enforced upon the insolvency of such member or other person or by execution after judgment upon such of his property as above mentioned notwithstanding any prior attachment issued by any creditor not being a creditor having priority under the provisions of the Judicature Act aforesaid.

28. (1) All moneys payable by a member to a registered society shall be a debt due from such member to the society and shall be recoverable as such. Recovery of debts from member.

- (2) A registered society shall have a charge upon the shares or interest in the capital and on the deposits of a member or past member, and upon any dividend, bonus, or accumulated funds payable to a member or past member, in respect of any debt due from such member or past member to such society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt. Charge and set off in respect of shares or interest of member.

29. Subject to the provisions of Section 27 the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any judgment or order of a Court in respect of any debt or liability incurred by such member and a trustee in insolvency or other receiver under the law relating to bankruptcy for the time being in force, shall not be entitled to or have any claim on such share or interest. Shares or interest not liable to attachment.

Transfer of
interest on
death of mem-
ber.

- 30.** (1) On the death of a member a registered society may transfer the share or interest of the deceased member to the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the legal personal representative of the deceased member, or pay to such nominee or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or constitution:

Provided that —

- (a) in the case of a society with unlimited liability such nominee, or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid;
 - (b) in the case of a society with limited liability the society shall transfer the share or interest of the deceased member to such nominee or legal representative, as the case may be, being qualified in accordance with the constitution for membership of the society, or on his application within one month of the death of the deceased member, to any person specified in the application who is so qualified.
- (2) A registered society may pay all other moneys due to such deceased member from the said society to such nominee or legal personal representative, as the case may be.
- (3) All transfers and payments made by a registered society in accordance with the provisions

of this section shall be valid and effectual against any demand made upon the society by any other person.

31. Any register or list of members or shares kept by any registered society shall be prima facie evidence of any of the following particulars entered therein:—

Register of members.

(a) the date at which the name of any person was entered in such register or list as a member;

(b) the date at which any such person ceased to be a member.

32. A copy of any entry in a book of a registered society regularly kept in the course of business, shall, if certified in such manner as may be prescribed by the Rules, be received, in any suit or legal proceeding, as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as the original entry itself is admissible.

Proof of entries in societies' books.

33. Notwithstanding anything contained in Chapter 111 of the Consolidated Statutes (Third Series) and Acts in amendment thereof or in Chapter 28 of the same Statutes and Acts in amendment thereof or in any future Act of like effect which may be substituted for either of them, it shall not be necessary to pay any fee or to affix any stamp for the registration of any deed or other document by virtue of which any property passes to or from any society or to pay any duty on or affix any stamp to any receipt for a sum of money paid by a society to a member thereof or by a member of a society to the society.

Exemption from stamp duties.

**PROPERTY AND FUNDS OF REGISTERED
SOCIETIES**

Restrictions
on loans.

34. (1) A registered society shall not make a loan to any person other than a member: Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) The Commissioner may by general or special order prohibit or restrict the lending of money on the security of immovable property of any kind specified in such order by any registered society, or class of registered societies.

Restrictions
on borrowing.

35. A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the Rules and subject to its constitution.

Restrictions on
other transac-
tions with non-
members.

36. Save as provided in Sections 34 and 35 the transactions of a registered society with persons other than members shall be subject to such prohibitions and restrictions if any, as may be prescribed by the Rules and subject to its constitution.

Investment of
funds.

37. A registered society may invest or deposit its funds in manner provided by its constitution and also if the constitution does not direct otherwise—

(a) in any savings bank carrying on business in Newfoundland at the date of passing of this Act; or

(b) in or upon any security in which trustees are for the time being authorized by law to invest but not including, unless the constitution permits and subject to any prohibition or restriction of the Commissioner under Section

34 of this Act, investment upon mortgage of land; or

- (c) in the shares of any other registered society having limited liability; or
- (d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or
- (e) in the purchase or leasing of land and in the construction of buildings when such land or buildings are necessary for the conduct of its business; or
- (f) in any other mode permitted by the Rules.

38. The constitution of a registered society may provide for advances of money to members, subject to the provisions of subsection (2) of Section 34. Advances to members.

39. (1) No society shall pay a dividend or bonus in any financial year before the balance sheet for the period in respect of which such dividend or bonus is paid has been certified by an auditor approved by the Registrar. Profits not to be distributed before balance sheet certified.

(2) No society shall pay a dividend on share capital to its members exceeding five per cent. in any year. Limitation of dividends.

(3) No society with unlimited liability whose purpose is to grant loans shall distribute any profits to members. Loan society with unlimited liability may not distribute profits.

40. (1) Every society which does or can derive a surplus from its transactions shall maintain a reserve fund. Reserve fund.

- (2) All societies shall carry to the reserve fund such portion of the net balance in each year as may be prescribed by their constitutions subject to the Rules, if any.

Distribution of profits.

41. Subject to Sections 39 and 40 and 42 of this Act the realised net balance of each year, with any sum available for distribution from previous years, may be distributed as may be prescribed by the constitution of the society, subject to the Rules, if any.

Contribution to charitable and educational purposes.

42. Any registered society may, with the previous sanction of the Registrar, after such allocation has been made to the reserve fund as the Rules and constitution require, contribute an amount not exceeding ten per cent. of the remaining net balance to any charitable or educational purpose, including, without limiting the generality of the foregoing, the purpose of propagating co-operative principles.

OFFICERS IN RECEIPT OR CHARGE OF MONEY

Security by officers.

43. Every officer of a registered society having receipt or charge of money, if the constitution of the society require, shall, before taking upon himself the execution of his office, become bound, either with or without a surety as the committee may require, in a bond according to such form as the committee of the society approve, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its constitution appoints or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

INSPECTION OF AFFAIRS

Enquiry by Registrar.

44. (1) The Registrar may of his own motion, and shall on the application of a majority of the

committee or of not less than one-third of the members hold an enquiry or direct some person authorized by him by order in writing in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society.

- (2) All officers and members of the society shall produce such of the books and documents of the society and furnish such information in regard to the affairs of the society, as the Registrar or the person authorized by the Registrar may require.

45. (1) The Registrar shall, on the application of a creditor of a registered society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society: Inspection of books of indebted society.

Provided that—

- (a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and
- (b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.
- (2) The Registrar shall communicate the results of any such inspection to the creditor.

46. Where an enquiry is held under Section 44 or an inspection is made under Section 45 the Registrar may by a certificate under his hand make an award appor- Costs of enquiry.

tioning the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an enquiry or inspection and the officers or former officers of the society.

Recovery
of costs.

47. Any sum awarded by way of costs under Section 46 shall be deemed to be a debt due by the person against whom under the Registrar's certificate the same has been awarded to the Registrar and may be recovered by the Registrar in any Court having jurisdiction to the amount claimed.

CANCELLING OF REGISTRY

Cancelling of
registry.

48. (1) The Registrar may with the previous approval of the Commissioner cancel the registry of a society by writing under his hand —

(a) if at any time it is proved to his satisfaction that the number of members of the society has been reduced below nine, or that the society has ceased to exist.

(b) on proof to his satisfaction that the registration of the society has been obtained by fraud or misrepresentation, or the society has wilfully, and after notice from the Registrar, violated any of the provisions of this Act, or of the Rules or of its constitution.

(2) Not less than two months' previous notice in writing briefly stating the ground of any intended cancellation of registry shall be given by the Registrar to a society before the same shall be cancelled, and notice of cancellation shall be published in the Newfoundland Gazette and in some local newspaper circulating in or about the locality in which the

registered office of the society is situated, as soon as practicable after the same takes place.

WINDING UP OF SOCIETIES

49. (1) A society which has been registered under this Act may be wound up—

Winding up
of societies.

- (a) by an order of the Supreme Court made upon the petition of the society or of any one or more creditor or creditors, contributory or contributories of the society, or by all or any of the above parties together or separately; and the proceedings upon such a petition shall be the same as upon a like petition under the Companies Acts;
- (b) by an order of the Commissioner following upon a cancellation of registry;
- (c) by a resolution for the winding up thereof passed by a majority of not less than three-fourths of such members of the society for the time being entitled according to the regulations of the society to vote as may be present in person or by proxy in cases where by the constitution of the society proxies are allowed at any general meeting of which notice specifying the intention and purposes of such resolution has been duly given, and which resolution has been confirmed by a majority of such members for the time being entitled according to the constitution of the society to vote as may be present in person or by proxy at a subsequent general meeting of which notice has

been duly given and held at an interval of not less than seven days nor more than one month from the date of the meeting at which such resolution was first passed;

- (d) by the consent of three-fourths of the members testified by their signatures to an instrument of dissolution.

- (2) Notice of any meeting shall for the purposes of this section be deemed to be duly given and the meeting to be duly held whenever such notice is given and meeting held in the manner prescribed by the regulations of the society.

Instrument of
dissolution.

50. Where a society is terminated by an instrument of dissolution—

- (a) the instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society and the claims of creditors, if any;
- (b) the signatures to the instrument of dissolution shall be witnessed by a credible witness or witnesses who shall prove the same on oath before a Justice of the Peace;
- (c) a statutory declaration shall be made by three members and the Secretary of the society that the provisions of the Act, Rules and constitution of the society have been complied with and that the facts set forth in the instrument of dissolution are true and shall be filed with the Registrar with the instrument of dissolution;

- (d) any person making a false or fraudulent declaration in any matter relating to an instrument of dissolution shall be guilty of an offence against this Act.

51. (1) When a society has been ordered to be wound up or has passed a special resolution for winding up or an instrument of dissolution has been executed in respect thereof, the Registrar, or the Court, if the winding up be upon an order of the Court, may appoint a competent person to be liquidator of the society. ^{Appointment of liquidator.}

- (2) A liquidator appointed under subsection (1) shall have power—

- (a) to institute and defend suits and other legal proceedings by and on behalf of the society by his name of office and to appear in any court as a litigant in person on behalf of the society;

- (b) to refer disputes to arbitration;

- (c) to determine the contribution to be paid by the members and past members and by the estates of deceased members of the society respectively to the assets of the society;

- (d) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising between claimants;

- (e) to determine from time to time by what persons and in what proportion the costs of their liquidation are to be borne;

- (f) to take possession of the books, documents and assets of the society;
- (g) to collect and distribute the assets of the society and to dispose of the books and documents of the society as may appear to him to be necessary for winding up the affairs of the society;
- (h) to exercise all the powers of the committee of the society so far as is necessary for the winding up; and upon his appointment the committee shall cease to hold office.

Liability of
members in
winding up.

52. Where a registered society is wound up, in pursuance of an order or resolution, the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows:—

- (a) No individual, society or company who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute.
- (b) No individual, society or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member.
- (c) No individual, society or company who or which has ceased to be a member shall be liable to contribute unless it appears to the liquidator that the contributions of the existing members are insufficient to satisfy the just demands on the society.

- (d) No contribution shall be required from any individual, society or company, exceeding the amount, if any, unpaid on the shares in respect of which he or it is liable as a past or present member.
- (e) An individual, society or company, shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice of application for withdrawal.

53. When the liquidator has completed the winding up he shall call a meeting of the society and submit his accounts to the meeting and thereafter he shall file with the Registrar a copy of his accounts, together with copies of all resolutions passed at the meeting of the society at which the accounts were submitted; the whole being authenticated by a statutory declaration in the prescribed form; and the Registrar may either—

Accounts of liquidator; meeting; dissolution of society.

- (a) if he be not satisfied that the winding up has been properly carried out, remit the matter back to the liquidator with directions for further action; or
- (b) when he is satisfied that the winding up has been properly carried out, cancel the registration of the society; whereupon the society shall be dissolved.

WINDING UP UNDER SUPERVISION

54. When an order of the Court or of the Commissioner has been made for the winding up of a society or when a resolution has been passed by a society for winding up or where an instrument of dissolution of a society has been filed with the Registrar, the Supreme Court may upon the

Application to court for supervision.

petition of the Registrar or of a liquidator or of any contributory or creditor of the society, make an order directing that the winding up shall continue but subject to such supervision of the Court and with such liberty for creditors, contributories or others to apply to the Court and generally upon such terms and conditions as the Court thinks fit.

Court to have regard to wishes of persons interested.

55. The Court may in determining whether the society is to be wound up subject to the supervision of the Court have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes and may appoint a person to act as chairman of any such meeting and to report the result of any such meeting to the Court. In the case of creditors regard shall be had to the value of the debts due to each creditor; and in the case of contributories to the number of votes conferred on each contributory by the regulations of the society or to the extent of the interest of each contributory in the funds of the society.

Additional liquidators.

56. When an order is made by the Court for a winding up subject to the supervision of the Court the Court may in such order or in any subsequent order appoint an additional liquidator or liquidators; and any liquidators appointed by the Court shall have the same powers and be subject to the same obligations and in all respects stand in the same position as if they had been appointed by the Registrar. The Court may from time to time remove any liquidators so appointed by the Court and fill up any vacancies occasioned by such removal or by death or resignation.

Powers of liquidators.

57. Where an order is made for a winding up subject to the supervision of the Court the liquidators appointed

to conduct such winding up may, subject to any restrictions imposed by the Court, exercise all their powers without the sanction or intervention of the Court in the same manner as if the society were being wound up without supervision.

58. (1) A Court may at any time after the presenta- Staying of
tion of a petition for the winding up of a actions.
society under this Act and before making an
order for the winding up of the society, upon
the application of the society or of any cred-
itor or contributory of the society, restrain
further proceedings in any action or proceed-
ing against the society upon such terms as the
Court thinks fit.
- (2) When an order has been made for winding up
a society under the supervision of the Court
no action or other proceedings shall be pro-
ceeded with or commenced against the society
except with leave of the Court and subject to
such terms as the Court may impose.
- (3) When a society is being wound up otherwise
than under the supervision of the Court, the
Court may upon the application of the society
or of any creditor or contributory of the soci-
ety restrain proceedings in any action or pro-
ceeding against the society upon such terms as
the Court thinks fit.

FEES

59. (1) The Commissioner may determine a scale of Fees.
fees to be paid for matters to be transacted
under this Act and for audit by or on behalf
of the Registrar and for the inspection of
documents filed with the Registrar under this
Act.

- (2) All fees received by the Registrar under or by virtue of this Act shall be paid into the Consolidated Revenue Fund.

RULES

Rules.

60. (1) The Commissioner may, for any registered society or class of such societies, or for all societies, make Rules to carry out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such Rules may:

(a) subject to the provisions of Section 4 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(c) prescribe in whole or in part the forms of constitutions of societies;

(d) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;

(e) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and books and for the periodical publication of a balance

sheet showing the assets and liabilities of a society;

- (f) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted;
- (g) provide for the persons by whom and the form in which copies of entries in books of societies may be certified;
- (h) provide for the mode in which the value of a deceased member's interest shall be ascertained and for the nomination of a person to whom such interest may be paid or transferred;
- (i) provide for the mode in which the value of the interest of a member who has become of unsound mind and incapable of managing himself or his affairs shall be ascertained and for the nomination of any person to whom such interest may be paid or transferred;
- (j) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent to an individual member;
- (k) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied and for the investment of any funds under the control of the society;

- (l) prescribe the extent to which a society may limit the number of its members;
- (m) prescribe the conditions under which the net operating surplus of a year and other accumulated funds may be distributed to the members of a society with limited liability and the maximum rate of dividend on share capital which may be paid by societies;
- (n) prohibit or restrict the transfer of shares;
- (o) prohibit or regulate the granting of loans or any other advantages by a registered society to officers of such society;
- (p) prescribe the procedure to be followed and conditions under which any registered society may alter the name under which it has been registered;
- (q) prescribe the procedure by which and conditions under which any company or society which has been registered under the Companies Acts for the time being in force or the Industrial and Provident Societies Act 1919, or the Agricultural Societies Act 1936, may be registered under this Act: Provided that no such company or society shall be registered unless governed by rules and regulations to be registered as provided by this Act and which are not contrary to this Act or to the Rules.

61. The Registrar shall have power to prescribe in addition to or instead of the requirements in respect of these matters, if any, under the Rules—

Registrar may prescribe accounts and books for society and require returns.

- (a) the accounts and books to be kept by a specific society;
- (b) the returns to be submitted by a specific society to the Registrar and the persons by whom and the form in which such returns shall be submitted.

OFFENCES

62. (1) It shall be an offence under this Act if—

Offences.

- (a) a society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorized by him in writing in this behalf; or
- (b) a society or an officer or a member thereof wilfully makes a false return or furnishes false information; or
- (c) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorised to do so under the provisions of this Act.

- (2) Every society, officer or member of a society or other person guilty of an offence under this section shall be liable upon summary conviction to a fine not exceeding one hundred dollars.

Prohibition of
the use of the
word "co-
operative";
penalty.

63. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word "co-operative" is part without the sanction of the Commissioner: Provided that for a period of twelve months after the date of coming into operation of this Act and no longer nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be liable upon summary conviction to a fine not exceeding fifty dollars, and in the case of a continuing offence to a further fine not exceeding ten dollars for each day on which the offence is continued after conviction therefor.

Agricultural
Societies to
register as
co-operatives.

64. All agricultural societies registered under the Act No. 4 of 1936 shall register themselves under this Act within twelve months of the date of the passing thereof, failing which they shall be deemed to be dissolved.

Short Title.

65. This Act may be cited as the Co-operative Societies Act, 1939.

AN ACT TO PROVIDE FOR THE PRODUCTION AND
DISTRIBUTION OF ELECTRICITY IN CHAN-
NEL AND PORT AUX BASQUES.

[25th July, 1939]

SECTION

- 1.—Interpretation.
- 2.—(1) Franchise area.
(2) Town area within franchise area.
- 3.—Exclusive franchise granted.
- 4.—Time limited for installation.
- 5.—Forfeiture for failure to commence or complete.
- 6.—Continuous operation required and defined.
- 7.—Forfeiture for failure to operate.
- 8.—Power to establish works.
- 9.—Power to dig highways and establish lines; lim-

SECTION

- 10.—Expropriation.
- 11.—Licence to use Post Office right of way; conditions.
- 12.—Safety devices to be used.
- 13.—Limitations on franchise.
- 14.—Taxation and control by future municipal authority.
- 15.—Customs exemptions.
- 16.—Arbitration and compensation.
- 17.—Power to assign.
- 18.—Maximum rate of charge.
- 19.—Purchase of enterprise by Government.
- 20.—Short title.

WHEREAS certain residents of Channel and Port Basques by their petition have prayed that a franchise be granted to the contractors hereinafter mentioned for the lighting of the towns or settlements of Channel and Port aux Basques and their vicinity by electricity and for the sale of electric power for other purposes;

AND WHEREAS it is expedient that the prayer of the petitioners be granted;

Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1939.

1. In this Act—

Interpretation.

- (a) "contractors" shall mean Nicol A. Paton of St. John's, Electrical Engineer, and Rex C. Bursell of Topsail, Engineer, and shall include their assigns as hereinafter mentioned;
- (b) "franchise area" shall mean the area described in subsection (1) of Section 2.
- (c) "town area" shall mean the area described in subsection (2) of Section 2.

Franchise
area.

2. (1) The area in relation to which a franchise is granted by this Act shall be the towns or settlements of Channel and Port aux Basques and the area in their vicinity bounded to the northward by a semi-circular line from sea to sea described with a radius of ten miles from the point where the Newfoundland Railway reaches the waters of Port aux Basques Harbour.

Town area
within fran-
chise area.

- (2) The towns of Channel and Port aux Basques shall be deemed to cover an area within the franchise area bounded to the northward by a line running from the mouth of the brook used to supply water for Port aux Basques Railway Station west 3160 feet more or less to a point near the head of Grand Bay west of the railway line; thence south fifteen degrees west 3800 feet to the most easterly point of Mother Lake Bay and on all other sides by the sea the same being more particularly described and outlined in red upon a plan of the region round Channel and Port aux Basques which is deposited with the Roll of the Statutes in the Department of Home Affairs and which is marked "The plan constituting the annexure to the Act of 1939 entitled 'An Act to provide for the Production and Distribution of

Electricity in Channel and Port aux Basques' " and identified by the signature of the Secretary of the Commission of Government and the signatures of the contractors.

3. The contractors are hereby granted, subject as hereinafter mentioned, the exclusive franchise for the sale of electricity for lighting, heating and power purposes in the franchise area for a period of fifty years from the date of the passing of this Act.

Exclusive
franchise
granted.

4. (1) The contractors shall within one year from the passing of this Act commence the construction and installation of the works necessary for the lighting of the streets and buildings of the towns of Channel and Port aux Basques and shall within three years of the said date have the said works complete and in operation.

Time limited
for installa-
tion.

(2) For the purposes of this section the works shall be deemed to be complete and in operation when they are capable of producing and distributing current to the amount of one thousand kilowatt hours per day.

5. If the construction and installation of the said works shall not have been commenced as aforesaid within one year from the passing of this Act or if the same shall not have been completed and put in operation as aforesaid within three years of the passing of this Act then all rights and privileges granted to the contractors by this Act may be determined by notice in writing from the Commissioner for Home Affairs and Education to the contractors: Provided that no delay in giving or failure to give the said notice on the part of the said Commissioner shall be held to waive or diminish the right of the said

Forfeiture for
failure to
commence or
complete.

Commissioner to give the said notice at any time thereafter.

Continuous
operation re-
quired and
defined.

6. From and after the completion of the said works in accordance with this Act it shall be the duty of the contractors to keep the same in continuous operation. For the purposes of this Act the said works shall be deemed to be in continuous operation—

- (a) if they are capable of producing and distributing continuously current to the amount of one thousand kilowatt hours per day; and
- (b) if the contractors shall have provided electrical connection within a reasonable time for, and stood ready to sell electrical current in reasonable quantities to, all customers or intending customers within the town area who shall have requested the same; and
- (c) if within those parts of the franchise area outside the town area the contractors shall have established such distribution lines as the Governor in Commission may deem necessary to supply the public demand and shall within such external area have provided electrical connection within reasonable time for, and sold electric current in reasonable quantities to, all customers or intending customers within reasonable distance of such lines who shall have requested the same;

of all which matters the Governor in Commission shall be the sole and final judge: Provided that the Governor in Commission may from time to time transfer his powers and functions under this section to any Public Utilities Commission appointed under the Act 20 George V, Chapter 9, or any amending or substituted legislation.

7. If the contractors shall fail to operate continuously within the meaning of the next preceding section, the Commissioner for Home Affairs and Education may at any time give the contractors three months' notice to put the said works into continuous operation; and if the same shall not, at the end of three months have been put into continuous operation, he may by notice to the contractors determine all the rights and privileges of the contractors under this Act.

8. The contractors are hereby authorized and empowered to establish, construct, erect, lay down and fix all cables, poles, wires, transformers, lamps and other works and apparatus necessary for the distribution of electricity throughout the franchise area subject always to the approval of the Commissioner for Public Utilities.

9. For the purpose of the foregoing section the contractors shall have the right after first giving notice to the Secretary for Public Works to dig and open up the highways, streets, lanes, squares and other public places within the franchise area for the purpose of laying wires, cables or conduits or erecting poles to carry wires and other apparatus: Provided that—

- (a) the location of all poles shall be subject to the approval of the Commissioner for Public Utilities;
- (b) if at any time it is necessary for poles to be moved or removed to allow the alteration or widening of streets or for any other reason connected with the operations of the Department of Public Works, it shall be the duty of the contractors to move or remove such poles at their own expense;

- (c) no aerial wires shall be carried at a less distance than twenty feet above the ground;
- (d) no highway, street, lane, square or public place shall be dug up or opened without prior notice to the Secretary for Public Works and that the work shall be carried out to the satisfaction of the Commissioner for Public Utilities so as not unreasonably to hinder traffic and that all excavations shall be re-filled and the surface restored to the satisfaction of the Secretary for Public Works;
- (e) expenses of any kind in connection with the said work shall not fall upon the Government.

Expropriation.

10. If the contractors deem it necessary for the efficient construction, maintenance and operation of their works to install transmission lines elsewhere than in a public place they may, subject to the prior approval in writing of the Governor in Commission, enter upon and take possession of and appropriate for that purpose any land belonging to any person or corporation which may be necessary for the opening, construction, maintenance or operation of all or any of the said works and may remove any houses or buildings or other obstructions which may be upon such land: Provided always that the Governor in Commission may before granting such approval require the contractors in any such case before taking possession of the land to give security for the payment of any award which may be made against them in an arbitration.

Licence to use
Post Office
right of way;
conditions.

11. The contractors shall have licence to use the right of way held by the Department of Posts and Telegraphs for its telegraph route between Port aux Basques

and Channel for the purpose of constructing an electrical transmission line between the two places: Provided that—

- (a) such licence shall not in any way affect the said Department's priority of right to the said right of way;
- (b) the contractors may replace the poles of the said Department between Port aux Basques and Channel by heavier and longer poles equipped to carry the telegraph wires of the said Department in addition to the power lines and service wires of the contractors as well as any additional wires from time to time required by the needs of the telegraph service;
- (c) the telegraph wires of the Department are to be transferred to the poles of the contractors as soon as the said poles are erected;
- (d) the contractors shall pay all expenses in connection with the transfer of the wires of the Department to the poles of the contractors and the contractors shall take adequate precautions to prevent any interruption of the telegraph services while the power system is under construction or during such transfer or at any time afterwards and nothing herein shall prevent the officers of the Department from entering at any time to make any temporary arrangements necessary for preventing interruptions in the telegraph and telephone services;
- (e) the contractors shall provide sufficient clearance, not being less than six feet, between the power wires and the wires of the Department to prevent induction from the power lines in-

terfering with the telegraph and telephone services;

- (f) the contractors shall place guard wires and other protective devices at all places where the power wires cross or closely approach the wires of the Department and at any other point where there is a special danger of contact in case of breakage or otherwise;
- (g) the cross arms or brackets provided by the contractors for the wires of the Department shall be of standard size and the structural arrangements and workmanship shall be subject to the approval of the Department;
- (h) the Department shall pay the cost of any extension or maintenance, other than maintenance of poles, of the system of the Department after the initial transfer of the wires: Provided that the Department shall be entitled to have the co-operation and assistance in that connection of the linesmen and engineers of the contractors;
- (i) the contractors shall attend to the annual repairs to such wires of the Department as well as the poles of the contractors and the contractors shall also remedy casual interruptions to such wires. Every such interruption shall be remedied by the contractors forthwith and with the utmost speed whether such interruption were caused by or due to an act or default of the contractors or not;
- (j) the contractors shall take all such precautions and use and apply all such devices in connection with all parts of the works as may be necessary from time to time in accordance with

the best modern practice to prevent interference with radio reception.

- (k) power line insulators used by the contractors on their transmission lines shall be of the type used for heavier primary voltage than such lines would ordinarily carry in order that leakage from the possible formation of salt deposits thereon with resulting radio interference may be minimized.

12. The contractors shall in connection with every part of their works make use of all safety precautions and devices necessary in accordance with the best current practice from time to time to secure the safety of the public.

Safety devices
to be used.

13. The exclusive franchises hereinbefore granted shall not be deemed to prevent—

Limitations on
franchise.

- (a) any person from making use of an electrical generating plant for the production of current for his own purposes and not for sale to the public.

- (b) any sale or exchange of electric power between the Newfoundland Railway and Bowater's (Newfoundland) Pulp and Paper Mills, Limited, in connection with their respective piers and terminal facilities at Port aux Basques steamship terminal.

14. If and when a municipal body shall be created for the towns of Channel and Port aux Basques—

Taxation and
control by
future municipal
authority.

- (a) the contractors shall be and remain liable to payment of all and any municipal taxes not exceeding however a maximum to be fixed

from time to time by the Governor in Commission;

- (b) wherever under this Act the contractors are required before doing any Act to give notice to the Secretary for Public Works they shall in lieu thereof be required to give notice to such municipal body save in cases where the property or rights affected are under the control of the Department of Public Works.

Customs
exemptions.

15. (1) The contractors shall be permitted to import free of duty for the original construction of their plant and works but not for extension or replacement or in substitution of new for old, the following articles:—

- (a) Diesel engines and their accessories.
 - (b) Electrical generators and their accessories.
 - (c) Switchboards to be used in power stations.
 - (d) Outside transmission wire, insulators, transformers and other accessories for transmission lines, metal cross arms for transmission poles, metal conduit and other hardware for use in the construction of electrical transmission lines, underground or aerial.
- (2) The concessions in the next preceding subsection set forth shall be applicable in respect of capital expenditure upon the matters and things referred to not exceeding \$40,000 value for duty.
- (3) The said concessions shall not continue in force after the last day of April, A.D. 1940.

16. For the purpose of ascertaining the damage ^{Arbitration} that may be occasioned to or the compensation due to any ^{and compens-} person or corporation whose interest in lands or things ^{ation.} may be affected by the act of the contractors under Section 10 of this Act, the contractors shall appoint one arbitrator, the person interested in the said land or things another, and the two arbitrators so appointed shall appoint a third. If either party shall after twenty-one days' notice from the other have failed to appoint an arbitrator then the party so giving notice, and having appointed his own arbitrator, may apply to the Supreme Court or a Judge thereof who shall appoint an arbitrator on behalf of the party in default and in the event of the two arbitrators failing within seven days to appoint a third arbitrator the Supreme Court or a Judge thereof may upon application of either party appoint such third arbitrator and the award of such arbitrators shall be delivered within thirty days from the appointment of the third arbitrator and the award of such arbitrators or any two of them shall be final and binding between the parties. Except as herein provided the provisions of the Judicature Act regarding arbitrations shall apply to arbitrations under this Act.

17. The contractors may assign the benefits of this ^{Power to} Act to a company to be incorporated by them for this ^{assign.} purpose provided the financial standing of such company is satisfactory to the Commissioner for Finance and upon the execution of such assignment and the delivery and registration of a copy thereof in the Registry of Deeds all the benefits and obligations of this Act shall be deemed to vest in and fall upon such company as if the company had been mentioned throughout this Act instead of the contractors.

18. The Company shall not charge to any consumer, ^{Maximum} nor shall any consumer be bound to pay for electricity ^{rate of charge,} consumed, any amount in excess of twelve cents per kilo-

watt hour: Provided however that nothing in this section shall be so construed as to prevent the Public Utilities Commissioner or like body from fixing a lesser rate.

Purchase of
enterprise by
Government.

19. The Government may at any time after thirty years from the passing of this Act purchase all the plant, equipment, transmission system and rights of the contractors as a going concern upon giving to the contractors twelve months' notice of its intention so to do; and in case the Government shall decide to exercise the right reserved by this section, the value of such going concern to be ascertained by arbitrators appointed in the same manner as is provided in Section 16 hereof.

Short title.

20. This Act may be cited as the Channel and Port aux Basques Electricity Act, 1939.

AN ACT TO AMEND THE HIGHWAY TRAFFIC
ACT, 1935

[25th July, 1939]

SECTION 1.—Amendment Section 25 Highway Traffic Act;
dimensions of vehicles may be limited by regulations.

Be it enacted by the Governor, by and with the advice of A.D. 1939,
the Commission of Government, as follows:

1. Section 25 of The Highway Traffic Act, 1935, (the Amendment
Act No. 12 of 1935) is hereby repealed and the following Section 25
is substituted therefor:— Highway Traffic
Act: dimensions
of vehicles may
be limited by
regulations.

25. The Commissioner may make regulations as to
the width, height and length of motor vehicles
and trailers and of the loads which may be
carried thereby and different regulations may
be made in respect of any of the foregoing
matters as respects different classes or descrip-
tions of vehicles and as respects the same class
or description of vehicles in different circum-
stances.
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AN ACT RESPECTING CERTAIN JURY LISTS.

[25th July, 1939]

SECTION 1.—Saving of validity of certain jury lists.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Saving of
validity of
certain jury
lists.

1. Notwithstanding anything contained in any Act to the contrary the lists of Grand and Petty jurors taken at Grand Falls and Corner Brook for the purposes of the Spring Circuit of the Supreme Court by order of the Commissioner for Justice dated the 20th day of March, A.D., 1939, made under and by virtue of the Act No. 4 of 1939 entitled "An Act further to amend the Judicature Act" shall be valid for all purposes until new lists are taken under the said Act.

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1939

[5th August, 1939]

SECTION

- 1.—Interpretation.
- 2.—Manufacturers of light beer to be licensed.
- 3.—Refusal or revocation of licence.
- 4.—Sections 32 and 34 of the Revenue Act, 1939, to apply.
- 5.—Certain manufacturers to pay duty by account.
- 6.—Certain manufacturers to pay duty by stamps.
- 7.—Bottles to bear approved label.
- 8.—Power of Board to vary method of payment.

SECTION

- 9.—Prohibition of sale unless bottles duly stamped or labelled.
 - 10.—Manufacturer not to deliver unlabelled bottles.
 - 11.—Bottles to contain one reputed pint.
 - 12.—Penalties.
 - 13.—Changes in Schedules A and C to Revenue Act, 1939.
 - 14.—Act to be read with Revenue Act, 1939.
 - 15.—Time of coming into effect.
- Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. Section 1 of the Revenue Act, 1939, as heretofore Interpretation.
amended by the Act No. 17 of 1939 is hereby further
amended—

(a) by striking out the paragraph lettered (w)
and substituting therefor the following:

(w) the expression “sell” and its grammatical variations means; to solicit or receive an order for; to keep or expose for sale; to deliver, whether for value or gratuitously; to peddle; to keep with intent to sell; to traffic in; or for any onerous consideration, promised or obtained, directly or indirectly, or on any pretext or by any means whatsoever to procure or allow to be procured for any other person.

(b) by adding thereto paragraphs lettered (y) and
(z) as follows:

(y) "beer" shall include ale, porter, Bavarian beer, hop beer, botanic beer and all other small or dextrinous liquors containing three per cent of alcohol by volume, or more.

(z) "light beer" shall include all other similar beverages (except spruce beer) sold under the description of beer or possessing the characteristics of beer and containing alcohol less than three per cent by volume.

Manufacturers
of light beer
to be licensed.

2. (1) No person shall manufacture any light beer unless—

(a) he shall first have obtained from the Board of Customs in respect of each establishment in which the said manufacture is to be carried on an excise licence to manufacture light beer; or

(b) he shall be the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, to manufacture beer within the meaning of that Act, in which case the said permit shall be deemed to authorize the manufacture by him of light beer.

(2) Every such excise licence shall be for the period extending from the date of its issue to the 30th day of June then next following and may be issued by the Board on payment of a fee of Five dollars.

Refusal or
revocation of
licence.

3. The Board may refuse to grant or may revoke any licence to manufacture light beer without assigning any cause for such refusal or revocation.

4. Every establishment in which light beer is manufactured and the person conducting the manufacture therein shall be subject to the provisions of Sections 32 and 34 of the Revenue Act, 1939, and regulations may be made accordingly.

5. Every manufacturer being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, shall account for and pay the prescribed duty upon the quantity of light beer delivered, whether by way of sale or otherwise, from his premises, in accordance with the provisions of subsection (1) of Section 33 of the Revenue Act, 1939.

6. (1) Every manufacturer of light beer not being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, shall affix to every bottle of light beer manufactured by him before it is delivered from the licensed premises, a stamp to be prescribed by the Board and purchased by the manufacturer therefrom which stamp shall be affixed to the bottle in such a manner that the stopper or cork cannot be withdrawn without destroying or defacing the said stamp.

(2) The prescribed stamps shall be sold by the Board at a price equivalent to the duty payable on the bottles of light beer to which the same are to be affixed: Provided that in computing the value of any purchase of stamps a fraction of a cent shall be charged as one cent.

7. Every manufacturer of light beer, shall affix to every bottle of light beer a label in form approved by the Board bearing the name of such manufacturer and the place of manufacture and in the case of the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, a statement that duty is payable on such light beer by the manufacturer.

Power of
Board to vary
method of
payment.

8. The Board may, notwithstanding any provision of this Act, at any time or from time to time by writing—

- (a) require any manufacturer not being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, to pay duty upon any light beer manufactured by him in the manner prescribed in Section 5 of this Act;
- (b) require any manufacturer being the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, to pay duty on any light beer manufactured by him in the manner prescribed by subsection (1) of Section 6 of this Act; and thereafter in either case such manufacturer shall be subject to all the provisions of the appropriate sections.

Prohibition of
sale unless
bottles duly
stamped or
labelled.

9. (1) From and after the coming into effect of this Act no person shall sell for consumption outside the establishment wherein the same was manufactured any light beer save in a bottle having affixed to the same either—

- (a) the stamp prescribed by the Board affixed in such a manner that the cork or stopper cannot be withdrawn without destroying or defacing the said stamp; or
 - (b) a label of the manufacturer, in form approved by the Board, bearing a statement that duty is payable by such manufacturer.
- (2) It shall be the duty of every vendor having in his possession at the time of the coming into force of this Act any bottles of light beer, by whomsoever manufactured, to purchase and affix thereto stamps as aforesaid before such light beer shall be sold.

10. No manufacturer of light beer whether the holder of a permit under Section 34 of The Alcoholic Liquors Act, 1933, or not shall after the coming into force of this Act sell or deliver any light beer unless the bottle shall bear a label identifying the manufacturer and place of manufacture and describing the beer and having upon it such other words or marks as may be prescribed by the Board; and different labels may be approved for different manufacturers.

Manufacturer not to deliver unlabelled bottles.

11. No person shall sell light beer for consumption outside the establishment wherein the same was manufactured otherwise than in bottles having a capacity of one reputed pint.

Bottles to contain one reputed pint.

12. Any person who shall commit a breach of any of the provisions of this Act or of any regulations made under the authority of this Act shall be liable on summary conviction to a penalty not exceeding Four hundred dollars or treble the value of any goods which may be the subject of such breach, whichever is the greater and in default of payment to imprisonment for a period not exceeding twelve months, and the goods in respect of which such offence has been committed shall be seized and forfeited to the Crown. If the holder of a licence under this Act be convicted his licence may be forfeited and the Board may refuse to grant a licence for such period as they may determine.

Penalties.

13. The several items set forth in the Schedule hereto are hereby substituted for the items in Schedules A and C to the Revenue Act, 1939, bearing corresponding numbers; or, in the case of new items, are inserted in their proper numerical places.

Changes in Schedules A and C to Revenue Act, 1939.

14. This Act shall be read with and as part of the Revenue Act, 1939.

Act to be read with Revenue Act, 1939.

15. This Act shall be deemed to have come into effect at midnight on the 3rd day of July, A.D., 1939.

Time of coming into effect.

THE SCHEDULE TO THIS ACT

Schedule.

AMENDMENTS TO SCHEDULE A.

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Preferential
67	Coffee, green	per lb.	\$0.07	\$0.07	\$0.05
357	Lamps, side lights, head lights, lanterns (not electric), buckles of all kinds, N.E.S., (not being jewellery) of iron, steel, brass or copper; slide shoes, N.E.S., stereotypes, electrotypes, and celluloids of newspaper columns and bases for same, composed wholly or partly of metal or celluloid and matrices and copper shells for same. N.O.P.; bread mixers, scales, balances, weighing beam and weights	ad val.	60%	60%	60%
New Item 375	Oil lamps, oil stoves, oil appliances, N.E.S., and parts thereof, and lamp wicks	ad val.	55%	55%	45%
New Item 447a	Piece goods wholly or mainly of hemp or jute, not made up in any manner, N.E.S.	ad val.	25%	25%	15%
609	Soap powders	ad val.	55%	55%	45%

AMENDMENTS TO SCHEDULE C.

Item No.	Class or Description of Goods		Rate
E1401	Ale, porter, Bavarian beer, botanic beer, and all other small and dextrinous liquors containing three per cent. or more of alcohol by volume.	per 100 gals.	\$34.00
New Item E1401a	Ale, porter, Bavarian beer, botanic beer, hop beer and all other similar beverages (except spruce beer) sold under the description of beer or possessing the characteristics of beer, containing less than three per cent or more of alcohol by volume	per 100 gals.	\$10.00
E1405	Tobacco, plug, firm pressed	per lb.	\$0.32
New Item E1405a	Tobacco, N.E.S.	per lb.	\$0.42
E1406	Cigarettes, weighing not more than 2½ lbs., per thousand	per M.	\$5.25
E1407	Cigarettes, weighing more than 2½ lbs., per thousand	per M.	\$7.50

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[5th August, 1939]

SECTION 1.—Supply 1939-40.
Schedule.

MAY IT PLEASE YOUR MAJESTY:—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorised by the Governor in Commission by a Special Warrant dated the 29th June, 1939, which Warrant has been issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled “Of the Auditing of Public Accounts” as amended by the Act 23 & 24 Geo. V, Chapter 60, and as further amended by the Act No. 21 of 1935, for the financial year ending the Thirtieth day of June, One thousand nine hundred and forty, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY:—

A.D. 1939.

That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Supply 1939-40.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding Fourteen million and sixty-five thousand, one hundred and seventy-seven dollars (\$14,065,177), and the said

sums so issued shall be paid and applied by the several departments in respect of the year extending from the first day of July, One thousand nine hundred and thirty-nine to the thirtieth day of June, One thousand nine hundred and forty, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

SCHEDULE

Schedule.

Head and Subhead	Department and Service	Amount	
II.	Finance.		
A	Salaries	\$ 69,135	
B	Travelling and Miscellaneous	4,200	
C	Reorganization of Government Service	35,000	
D	Newfoundland Railway	282,784	
E	Civil Pensions	193,000	
F	General Contingencies	15,000	
G	Management of Public Debt	30,000	
H	Contributions to Imperial Institute and other Committees	5,976	
J	Coin	3,200	
K	Housing Grants	25,000	663,295
			<hr/>
III.	Customs.		
A	Salaries and Allowances	215,959	
B	Travelling and Subsistence	4,500	
C	Incidentals	4,400	
D	Office Accommodation	2,950	
E	Vessels, Boats and Vehicles	34,500	
F	Stores	8,500	
G	Miscellaneous Expenses	6,644	277,453
			<hr/>

IV. **Posts and Telegraphs.**

A	Salaries and Allowances	359,511	
B	Travelling and Subsistence	15,000	
C	Incidentals	6,300	
D	Office Accommodation	15,500	
E	Stores	18,100	
F	Conveyance of Mails	221,880	
G	Maintenance of Telegraph, Telephone and Wireless Services	52,550	
H	Maintenance of Services under Contract	40,500	
I	Broadcasting	35,000	
J	Purchase of Labrador Wireless Equipment	2,363	766,709
		<hr/>	

V. **Assessor of Taxes.**

A	Salaries	14,446	
B	Travelling	200	
C	Incidentals	150	
D	Expenses under Life Insurance Com- panies Act of 1906	6,631	21,427
		<hr/>	

VI. **Home Affairs.**

A	Salaries and Allowances	29,368	
B	Travelling and Incidentals	6,500	
C	Miscellaneous Expenses	7,388	43,256
		<hr/>	

VII. **Education.**

A	Salaries	52,663	
B	Travelling and Subsistence	15,000	
C	Incidentals	2,000	
D	Grants	603,500	
E	General Education Expenditure.....	683,450	
F	Reconstruction Expenditure, Education	118,500	1,475,113
		<hr/>	

VIII. **Justice.**

A	Salaries and Allowances	424,970	
B	Travelling and Incidentals	15,050	
C	Administration of Justice	25,600	
D	Serving of Summonses	200	
E	Vessels	5,000	
F	Penitentiary Expenses	19,426	
G	Court House, St. John's	1,200	
H	Outport Court Houses and Gaols	6,600	
I	Constabulary Expenses	68,514	
J	Fire Department Expenses	13,900	
K	Joint Expenses of Constabulary and Fire Departments	58,367	
L	Home Defence Force	50,000	688,827

IX. **Natural Resources.**

A	Salaries	203,529	
B	Travelling	7,000	
C	Incidentals	6,000	
D	Fisheries Expenditure	1,056,120	
E	Forestry Expenditure	83,240	
F	Ranger Force Expenses	51,250	
G	Surveys	37,500	
H	Meteorological Service	18,000	
I	New York Trade Bureau	4,000	
J	Reconstruction Expenditure— Fisheries	313,000	
K	Reconstruction Expenditure—Forests	37,000	1,816,639

IX. (A) **Agriculture and Rural
Reconstruction.**

A	Salaries, Agriculture	26,884
B	Travelling, Agriculture	10,000
C	Incidentals, Agriculture	1,000
D	Encouragement of Agriculture	32,000
E	Salaries, Rural Reconstruction	77,145

F	Visiting Advisers	12,500	
G	Travelling, Rural Reconstruction	15,000	
H	Incidentals, Rural Reconstruction.....	3,500	
I	Allowances, Rural Reconstruction.....	1,920	
J	Rural Development	257,000	
K	Rehabilitation of Unemployed Fisher- men	315,000	
L	Rural Industries	20,000	
M	Assistance to New Industries	200,000	
N	Technical Training	84,000	
O	Salaries, Land Settlements	11,640	
P	Allowances, Land Settlements	2,640	
Q	Maintenance of Land Settlements	101,856	
R	Education, Land Settlements	8,375	1,180,460

X. Public Works

A	Salaries	218,861	
B	Travelling and Subsistence	9,500	
C	Incidentals	3,400	
D	Public Buildings, Maintenance	236,942	
E	Roads, Bridges, Wharves, etc.	455,500	
F	Miscellaneous Expenditure	23,146	
G	Printing, Stationery, Advertising	89,700	
H	Lighthouses	106,000	
I	Construction of Public Buildings	136,400	
J	Geological Division	30,800	
K	Newfoundland Tourist Traffic De- velopment Board	38,000	
L	Travelling Library	5,000	
M	Building and Equipment, Science Laboratory	75,250	
N	General Hospital Extension	187,000	
O	Sanatorium	21,000	
P	Road Construction	1,246,000	
Q	Bonavista Breakwater	40,000	
R	Construction of Cottage Hospitals.....	29,000	
S	Air Services	176,600	3,128,099

XI. **Public Health and Welfare
and War Pensions.**

A	Salaries and Allowances	458,535	
B	Travelling and Subsistence	23,000	
C	Incidentals	12,800	
D	War Pensions	589,700	
E	Relief Expenditure	950,000	
F	Allowances to Widows and Orphans	205,000	
G	Old Age Pensions	140,000	
H	Hospital and Other Grants	67,500	
I	Orphanage Grants	30,050	
J	Maintenance and Equipment of Hospitals, etc.	317,300	
K	Maintenance and Equipment of Clinics, etc.	35,000	
L	Ambulance Services	3,750	
M	General Public Health Expenditure.....	123,750	
N	Health Campaign	38,500	
O	Anti-Tuberculosis Campaign	48,250	
P	Equipment, New Buildings	11,500	3,054,635

XII. **Board of Liquor Control.**

A	Salaries and Allowances	50,664	
B	Travelling	200	
C	Incidentals	950	51,814

XIII. **Colonial Development Fund**

Expenditure

21,450

XIV. **Dominions Office Loan Expenditure.....** 876,000 897,450

\$14,065,177

AN ACT FURTHER TO AMEND THE DEPARTMENT
OF NATURAL RESOURCES ACT, 1934.

[5th August, 1939]

SECTION

1.—Additional powers of
Commissioner.

SECTION

2.—Act to be read with De-
partment of Natural Re-
sources Act, 1934.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Additional
powers of
Commissioner.

1. The Commissioner shall have power to purchase and sell, take on lease, hire, charter, manage, operate or otherwise deal in all kinds of property real or personal, including ships.

Act to be
read with
Dept. of
Natural
Resources
Act, 1934.

2. This Act shall be read as part of the Department of Natural Resources Act, 1934 (No. 49 of 1934).

AN ACT FOR THE ENCOURAGEMENT OF A LOGG-
ING ENTERPRISE AT LAKE MELVILLE

[8th August, 1939]

SECTION

- 1.—Interpretation.
- 2.—Commencement of operations.
- 3.—Definition of enterprise.
- 4.—Areas of cutting operations.
- 5.—Survey and plan of areas to be made and submitted.
- 6.—Exclusions from cutting areas.
- 7.—Selection of sites for works.
- 8.—Selection of right of way.
- 9.—Rights of Company pending issue of licence.
- 10.—Grant of licence to cut timber.
- 11.—Rights of the Company under the licence.
- 12.—(1) Conditions to which licence is subject.
(2) Withdrawal of certain areas from licensed areas.
- 13.—Other grantees, etc., to permit transportation of timber from licensed areas.
- 14.—Right of the Government to cut timber on licensed areas.

SECTION

- 15.—Rights of the public in respect of licensed areas.
- 16.—Payments to Crown; interest on same when overdue; lien for same, enforcement of payment.
- 17.—Use of slides, dams, piers and booms.
- 18.—Rights of floating timber and of passage preserved.
- 19.—Pollution of public waters; penalty.
- 20.—Scaling of timber.
- 21.—Appointment and control of scalers.
- 22.—Prohibition of export from ungranted lands prior to issue of licence.
- 23.—Prohibition from cutting and purchase of timber from Crown lands; penalty.
- 24.—Grant of lease of selected sites and water powers.
- 25.—Grant of rights of way.
- 26.—Public right of way to be reserved.
- 27.—Government to have right of purchase of moveables on determination of any lease or licence.

SECTION

- 28.—Removal of moveables by Company.
- 29.—Company to construct works and buildings for conduct of enterprise and accommodation of employees.
- 30.—(1) Free importation by Company of materials for construction.
(2) Materials not exempted.
- 31.—Company's obligations to cut and export in 1942-1943.
- 32.—Company's obligations to cut and export from 1943 to 1947.
- 33.—Company's obligations to cut and export 1947-1948 and thereafter.
- 34.—Royalties payable upon timber cut.

SECTION

- 35.—Reduced royalty on wood manufactured in sulphite pulp mill.
- 36.—Exemption from taxes.
- 37.—Employment of Newfoundland labour.
- 38.—Forfeiture of licence on non-payment of rent or royalties.
- 39.—Cancellation prior to issue of any licence or lease.
- 40.—Cancellation on failure to comply with obligations to cut and export.
- 41.—Right of cancellation not to be waived by implication.
- 42.—Penalties for breach of certain obligations.
- 43.—Assignment.
- 44.—Short title.
Schedule.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Interpretation

1. In this Act—

- (a) "Company" shall mean the Company to be incorporated immediately upon the passing of this Act by the promoter for the purpose of carrying out the enterprise referred to herein.
- (b) "Commissioner" shall mean the Commissioner for Natural Resources.
- (c) "cord" shall mean 128 cubic feet of rough wood.
- (d) "cutting season" applied to two consecutive years means the period from September 1st in the first year to August 31st in the second year inclusive.

- (e) "Department" shall mean the Department of Natural Resources.
- (f) "Government" shall mean the Governor in Commission .
- (g) "Newfoundland" shall mean the Island of Newfoundland and Labrador and the islands adjacent thereto.
- (h) "promoter" shall mean and refer to Mr. Gerald H. Davidson, of the firm of Macfarlane, Son & Hodgson Limited, Montreal, Quebec, Canada.
- (i) "shipping season" of any year means the period of such year open for navigation to and from the ports in Labrador where the Company's enterprise is carried on.

2. The Company shall within forty-five days of the Commencement date of coming into effect of this Act commence the ex- of operations.amination, survey and preparatory work for the development of a logging enterprise in the vicinity of Lake Melville and Kenamu River in Labrador.

3. The enterprise shall consist of the cutting of Definition of enterprise. timber upon the areas hereinafter described and the preparation for export and the export in each year of timber so cut in the quantities hereinafter set forth and the erection and equipping of all necessary piers, wharves, barking mills, power plant, booms, office buildings, residences, sites for log booms and for the storage of wood and the installation of all necessary equipment for the cutting and transportation of timber for the export thereof in the said quantities.

4. The areas of cutting operations shall be the areas Areas of cutting operations. set out in the licence to cut timber to be issued to the Company as hereinafter mentioned and the said areas

are intended to comprise approximately one thousand square miles and to be contained within the following boundary lines, that is to say:

LOT NO. 1

Commencing at a point on the Southern shore of Hamilton River at the Westernmost angle of land licensed by the Crown to the Grand River Pulp and Lumber Company Limited; thence running by said land licensed to the Grand River Pulp and Lumber Company Limited South sixty-three degrees East five miles, more or less, and thence North eighty degrees East fifteen and three-quarters miles, more or less, and thence North two degrees West five miles, more or less, to the Southern bank or shore of Hamilton River; thence turning and running along the said Southern bank of Hamilton River in a general Eastwardly direction four miles, more or less, to the Eastern bank of Peter Jakes Brook; thence along the Eastern bank or shore of said Brook Southerly one mile, more or less, to the South West angle of the Mud Lake Block licensed to the Grand River Pulp and Lumber Company Limited; thence by said land licensed to the Grand River Pulp and Lumber Company Limited North sixty-four degrees East six and one-quarter miles, more or less; thence South seven degrees East four and one half miles, more or less, thence by land licensed by the Crown to the Grand River Pulp and Lumber Company Limited and Crown land North seventy-three degrees East eleven and one half miles, more or less, to the Western boundary of land licensed by the Crown to Labrador Pulp and Lumber Company Limited; thence by the Western boundary of said land licensed to the Labrador Pulp and Lumber Company Limited Southerly twenty-two miles, more or less; thence by Crown land North sixty-nine degrees West forty-two miles, more or less, to the Southern shore of Hamilton River; thence by the said Southern shore of Hamilton River in a general Westwardly direction one and one-half miles, more or less,

to the point of commencement. All bearings mentioned above are approximate and are referred to the Astronomical Meridian.

LOT NO. 2

Commencing at a point on the shore of Lake Melville where it is intersected by a line running East and West at a distance of one mile and three quarters South from Indian Reserve Point; thence running West twenty-one miles; thence South nine and a half miles, more or less, to the northern boundary of land licensed by the Crown to the Grand River Pulp and Lumber Company Limited; thence running by the Northern boundary of said land and Crown land South eighty degrees West twelve and one half miles thence by Crown land North forty-five degrees West twelve miles; thence North thirteen degrees West twenty and one half miles, more or less, to the Southern bank of Susan River flowing into Grand Lake; thence by the Southern bank of said Susan River, the Southern shore of Grand Lake and the Western shore of Lake Melville in a general South Eastwardly direction to the point of commencement. All bearings mentioned above are approximate and are referred to the Astronomical Meridian.

LOT NO. 3

Commencing at a point on the North shore of Grand Lake distant 2 miles measured on a course North eighty-four degrees West approximately from the mouth of Watties Brook flowing into Grand Lake; thence running by Crown land North sixty-four degrees East seventeen and one half miles, more or less, to the Western bank of Sabaskachu River; thence along the said Western bank of Sabaskachu River, the Western shore of Lake Melville and the Eastern shore of Grand Lake to the point of commencement. All bearings mentioned above are approximate and are referred to the Astronomical Meridian.

LOT NO. 4

Commencing at a point being the Easternmost angle of land licensed by the Crown to the Labrador Pulp and Lumber Company Limited; thence running along the Eastern boundary of said land for a distance of thirty miles; thence by Crown land South sixty-nine degrees East three and one half miles; thence running parallel at a distance of three and one half miles to the aforementioned Eastern boundary of the land licensed to the Labrador Pulp and Lumber Company Limited for a distance of thirty miles; thence North sixty nine degrees West three and one half miles, more or less, to the point of commencement. All bearings mentioned above are approximate and are referred to the Astronomical Meridian.

Survey and
plan of areas
to be made and
submitted.

5. The Company shall survey the said areas under the supervision of an officer of the Department of Natural Resources but at the Company's expense entirely and shall cut and mark the boundary lines thereof and shall on or before the 1st day of November, 1940, submit to the Government a plan of the said survey and if required the field notes thereof and the said plan and notes shall be verified to the satisfaction of the Commissioner.

Exclusions
from cutting
areas.

6. The plan of such survey shall exclude all lands which are not Crown lands and shall further exclude the existing rights of all persons whether by occupation or otherwise together with rights of way to and from any lands so excluded, and also a reservation of three miles around the settlement of North West River. The Government may further direct that there shall be excluded therefrom such reservation as it may deem necessary around the residences or occupied land of any occupier or settler within the said areas and further that there shall be excluded therefrom any land which it may deem necessary for the purposes of the settlers of North West River or other settlers including future settlers in the said section or which may be required for the purposes of public roads, buildings, railways or other public works.

7. The Company shall select sites for the location of the buildings and works and for the purposes mentioned in Section 3 hereof and the said selections shall be made from lands on the banks of the Kenamu River within three miles of the mouth thereof and from lands on the shores of Carter's Basin and lying between the mouth of the Kenamu River and Spruce Point. The aggregate area of such sites so selected shall not save with the consent of the Government in writing exceed two square miles. The Company shall on or before the 1st day of November, 1940, submit to the Government a plan of the said selected sites verified to the satisfaction of the Commissioner.

8. The Company shall also select the location of a right of way for the erection of any necessary flumes, roads, railways, or otherwise for the purposes of transportation in connection with its logging enterprise between the Kenamu River and Carter's Basin to be approximately three miles long and not to exceed in width six hundred feet and shall on or before the 1st day of November, 1940, submit to the Government a plan of the location of the proposed right of way verified to the satisfaction of the Commissioner.

9. (1) As from the date of the passing of this Act the Company and all persons duly authorized there- by may enter upon Crown lands in Labrador for the purpose of making the surveys and conducting the examination and other preparatory work and making the selections mentioned in the foregoing sections and pending the issue of the licence hereinafter provided for shall further have the right to cut timber of spruce and balsam fir upon the areas hereinbefore described and to export such timber from Newfoundland and to cut upon the said areas and there manufacture and use (but not to export) trees other than spruce and balsam fir

which the Company may require for the construction or maintenance of its works or premises, or otherwise in connection with its logging enterprise: Provided that the said temporary rights of cutting and export shall be deemed to be subject to all the terms, conditions and royalties set forth or referred to in the form of licence contained in the Schedule hereto in all respects as if the said licence were in force and the provisions thereof applicable to the said cutting of timber; and that upon the doing or omission by the Company of any act which under the form of the licence or of the provisions of this Act applicable thereto is required to be done or omitted by the Company the Government may forthwith and without notice terminate the said temporary rights; and the Company shall pay to the Government the sum of two thousand dollars per year (and a proportionate sum for any part of a year) in lieu of rent until the said licence is issued, the first payment of two thousand dollars to be made on the date of coming into effect of this Act and any balance due to be paid prior to issue of any licence or lease hereunder.

- (2) The right of the Company to cut timber under this section shall not extend to any lands which are not Crown lands nor to any lands in respect of which there are existing rights in any persons whether by occupation or otherwise nor shall the rights granted under this section be construed to give to the Company any greater right than the Company shall have upon issue of the licence provided for herein. Save as aforesaid and subject to the provisions of this Act the Company shall have all right of property whatsoever in all trees and timber

cut under the provisions of this section by the Company.

- (3) During such time as the Company has the right under this section to cut and export timber no licence to cut timber of spruce and balsam fir within the said areas shall be granted to any person.

10. Upon receipt of the various plans required to be submitted by the Company under the foregoing sections and upon agreeing with the Company as to the reservations and exclusions therefrom in accordance with the foregoing provisions of this Act the Government shall grant to the Company a licence to cut timber upon the areas as defined in the said survey for the term of seventy-five years in the form set forth in the Schedule hereto and subject to the payment of the rent and royalties and to all other the conditions therein contained: Provided that the Company shall execute such licence and thereby covenant for compliance with the conditions thereof.

Grant of
licence to cut
timber.

11. (1) Save as otherwise provided in this Act and in the licence, the licence shall vest in the Company all right of property whatsoever in all spruce and balsam fir trees, timber, lumber, and other products of timber, all of spruce or balsam fir, which it is entitled by the licence to cut and which have been cut within the licensed areas during the continuance thereof, whether such trees, timber, lumber or other products be cut by authority of the Company or by any other person with or without its consent; and shall entitle the Company to seize as its property all timber of spruce or balsam fir cut upon the licensed areas where the same is found in possession of any unauthorized person and also to bring action or proceedings against any person unlawfully in possession of

Rights of the
Company under
the licence.

any such timber, and all proceedings pending at the expiration of the licence may be continued and completed as if the same had not expired.

- (2) The Company shall further have the right to cut and manufacture but not to export, trees other than spruce or balsam fir upon the said licensed areas which it requires for the construction or maintenance of its works or premises or otherwise in connection with its logging enterprise, but subject to the payment of the same royalties as are set out in the licence, and such right shall not be exclusive and the Company shall not have any right of property in any growing timber on the licensed areas other than spruce or balsam fir.

Conditions to
which licence is
subject.

12. (1) The licence shall be subject to the following conditions:

- (a) The licensee, its agents and workmen shall take from every tree cut down on the licensed areas all the timber fit for use and export the same or manufacture the same into sawn lumber or some other saleable product, and shall dispose of the tops and branches and other debris of lumbering operations in such a way as to prevent as far as possible the danger of fire, in accordance with the directions of the proper officers of the Department. If after written notice from such an officer his instructions as to the disposal of slash, tops, branches and other debris are not carried out within ten days from the date of such notice the Commissioner shall give the licensee a further notice requiring it to

cease all lumbering operations in the locality in such further notice mentioned until the terms of the first mentioned notice have been carried out, and for every day or part thereof that such operations are continued after the delivery of the second notice and while the terms of the first notice are uncomplied with, the licensee shall be subject to a penalty not exceeding one hundred dollars to be recoverable in a summary manner at the suit of the Commissioner before a Stipendiary Magistrate. All such penalties shall be paid to the Commissioner for the use of the Colony.

- (b) The licensee shall prevent all unnecessary destruction of growing timber on the part of its men and exercise strict and constant supervision to prevent the origin and spread of fire, and shall also comply with all regulations made in that respect by the Government and with all laws and regulations, in that respect in force, and shall set up and maintain an efficient system for the detection and suppression of forest fires, including the erection of towers, cutting of trails, installing of telephone lines and other necessary equipment, and shall keep records of all areas burned within the licensed areas and of all moneys expended on fire prevention and suppression and of such other information in connection therewith as the Commissioner shall direct, and shall make annual returns thereof to the Commissioner, together with plans showing the location of all burned areas as well as the location of all towers, trails, telephone lines

and other equipment for the prevention and suppression of fires.

- (c) The licensee shall furnish to the Commissioner at such periods as may be required by the Commissioner by regulations under this Act, returns sworn to by an officer duly authorized or by an agent or employee cognizant of the facts, showing the quantities cut, manufactured, sold or disposed of, of all sawn lumber, timber or any other product of timber from the licensed areas in whatever form the same may be.
- (d) The licensee shall keep books and records in which shall be entered reports of all timber cut and the quantity manufactured upon or removed from the licensed areas, which books shall be entered up daily and shall be produced for the inspection of any officer of the Crown whenever required for the purpose of verifying the returns aforesaid; and further in every year on such date as shall be prescribed by the Commissioner and with such detail as may be required, returns and plans showing the areas cut over by the Company from the commencement of cutting or from the date of its last return; and further returns and plans in every year on such date as shall be prescribed by the Commissioner and with such detail as may be required, showing the areas whereon the Company proposes to cut in the cutting season next following; and further from time to time as available and when required by the Commissioner, copies of

detailed cruise maps and plans of all timber areas cruised by the Company on the licensed areas, and all information appertaining thereto and necessary for the explanation thereof and for establishing the manner in which cruising and logging operations on the licensed areas are being carried on by the Company.

- (e) The licence shall also be subject to the right of the Government to withdraw at any time from the said licensed areas any portion or area of the lands comprised in them which is required for the purpose of sites for buildings, or for railways, airports, roads or bridges, whether public or private in any of the said cases, or for public works of any kind.
- (f) The licence shall also be subject to the right of the Crown to withdraw at any time from the said licensed areas any portion or area of the lands comprised in it which is required for water power purposes or as necessary in connection therewith.
- (g) The licence shall also be subject to the right of the Government to withdraw at any time from the said licensed areas any portion or area of the lands comprising it for purposes of agriculture or for mining or for settlement or town sites or facilities required in connection therewith.
- (h) The licence shall be upon the further condition that the licensee shall maintain its corner posts and boundary lines sufficiently and according to the usual approved practice.

Withdrawal of
certain areas
from licensed
areas.

- (2) The Government shall upon being satisfied that any portion or area of the said licensed areas is necessary for the purposes mentioned in paragraph (e) or paragraph (f) or paragraph (g) of subsection (1) of this Section decide and in writing notify the Company that such portion or area should be withdrawn from the lands so licensed and thereupon the said portion or area shall be so withdrawn: Provided however that no grant, lease or licence by the Government of the area or portion so withdrawn to any person shall be made unless the Government shall have given the Company twelve months notice thereof, during which period the Company shall have the right to cut and remove from the area all timber of spruce and balsam fir of more than four inches in diameter at the stump, unless such grant, lease or licence to such other person is issued subject to the condition that the grantee, lessee or licensee shall and will pay to the Company the value of all timber of six inches and over in diameter at the stump on the portion of the area so granted, leased or licensed at the time of issue thereof, the value of such timber in case of a dispute to be fixed by arbitration and the provisions of the Judicature Act in relation to arbitration to apply thereto.

Other grantees,
etc., to permit
transportation
of timber from
licensed areas.

13. In the event of the issue by the Government to any person of any grant, lease or licence of an area or portion of the licensed areas withdrawn under the provisions of subsection (2) of Section 12 of this Act there shall be imposed on the grantee, lessee, or licensee, conditions which shall require him to permit the transportation of timber from the licensed areas over the area granted, leased or licensed in so far as the same may be permitted without interfering with the purposes for which the grant, lease or licence was given.

14. The licence to the Company shall also be subject to the condition that the Government or any person on behalf thereof with the written authority of the Commissioner may take from lands comprised in the licensed areas standing timber of any kind (without compensation therefor) to be used for roads, bridges, railways or public works by or on behalf of the Government the authority of the Commissioner having first been obtained.

Right of the Government to cut timber on licensed areas.

15. Nothing in this Act or in the said licence shall be construed to prevent or debar any person from cutting or using any trees or timber on the licensed areas for the purposes of the fisheries, for building vessels, for masts, for poles, for erecting flakes, for the erection of buildings by settlers or the inhabitants and facilities in connection therewith; for fencing and for firewood, and for such like purposes; nor shall anything in this Act be construed to prevent any person from cutting trees or timber other than spruce and balsam fir for any purpose; and any person or persons may at all times make and use roads upon and travel over the licensed areas and persons settling under lawful authority or title on the licensed areas shall not in any way be molested or interrupted in clearing or cultivation by the licensee or any person by or on his behalf.

Rights of the public in respect of licensed areas.

16. Any payments due to the Crown in respect of the licensed areas, or the timber cut thereon, or under the provisions of Section 9 of this Act, which are not paid at the time they become due and payable, shall bear interest at the rate of six per cent. per annum until paid and shall be a lien upon any timber cut by the Company as aforesaid; and whenever any such monies are unpaid the Commissioner may seize so much of the timber cut by the Company on the licensed areas or cut under the provisions of Section 9 of this Act, and which is in possession of the Company or on its premises, whether sold or unsold, as will in his opinion, be sufficient to secure the payment thereof and all interest and expenses of seizure and sale,

Payments to Crown; interest on same when overdue; lien for same; enforcement of payment.

and may detain the same as security for payment; and if such payment be not made within one month of such seizure, the Commissioner may sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the Company or owner of the timber.

Use of slides,
dams, piers
and booms.

17. (1) Nothing in this Act or in the said licence shall be construed to give or convey any right or title to any slide, dam, pier or boom or other work for the purpose of facilitating the descent of timber or saw logs, previously constructed on the licensed areas, or in any stream passing through or along the said areas.

(2) The free use by the public or the Government of slides, dams, piers, booms or other works on streams to facilitate the descent of timber and saw logs and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of the said licence.

Rights of
floating timber
and of passage
preserved.

18. The free use of rivers, streams and lakes for the floating of logs and timber, and the right of access to rivers, streams and lakes, and the passing and repassing on and along the land on either side thereof whenever necessary for use thereof and over all existing and necessary portage roads past any rapids or falls, or roads connecting rivers streams or lakes, and over such roads as owing to natural obstacles may be necessary for the taking of logs and timber, and the right of constructing slides where necessary, shall continue uninterrupted and shall not as against any other person lawfully cutting and transporting timber be affected or obstructed by or in virtue of this Act or of the licence issued hereunder.

19. The Company shall in respect of any pulp, paper or saw mill or barking mill or any other of its works erected on or working near the margin of any of the public waters, bays, creeks or harbours of Labrador take means to prevent the introduction into the said public waters, bays, creeks or harbours as aforesaid of any noxious or deleterious substance or any sawdust or any refuse of saw mills under a penalty for every offence not exceeding one hundred dollars to be recovered in a summary manner before any stipendiary magistrate.

Pollution of
public waters;
penalty.

20. All timber cut under the provisions of the licence issued to the Company hereunder or otherwise under the provisions of this Act and upon which a royalty is payable hereunder shall be scaled by an authorized scaler before being manufactured, or exported, or transported by land or water from the place of cutting to be manufactured or exported. If the Company shall manufacture or export any timber upon which a royalty is payable, or transport any such timber by land or water from the place of cutting to be manufactured or exported, without having the same first scaled by an authorized scaler, it shall be liable to a penalty not exceeding the value of the timber so manufactured or exported or transported, to be recovered by suit in the name of the Commissioner.

Scaling of
timber.

21. The Commissioner may authorize such persons as he deems fit to act as scalers for the purposes of this Act and may make such regulations as he deems necessary for the preparation of records and returns of such persons and the verification of the same.

Appointment
and control of
scalers.

22. Save as provided in Section 9 hereof the Company shall not pending the issue of the licence to cut timber provided for hereunder cut, take or carry away for exportation from ungranted Crown lands, any trees or parts thereof, logs or timber under a penalty not exceeding twenty dollars for every tree or part thereof so cut, taken or carried away, the said penalty to be recovered by suit in the

Prohibition of
export from
ungranted lands
prior to issue
of licence.

name of the Commissioner before any Stipendiary Magistrate: Provided that this section shall not prevent any person from taking away and exporting any birch or alder wood.

Prohibition
from cutting
and purchase of
timber from
Crown lands;
penalty.

23. If the Company, its servants or agents, contractors or sub-contractors shall, after issue of the licence to cut timber provided for hereunder, cut timber on any Crown lands other than those defined in the said licence, or shall purchase, acquire or manufacture timber cut on any such Crown lands, the Company and every such servant or agent, contractor or sub-contractor shall be liable to a penalty not exceeding twenty dollars for every tree cut or ~~be~~ purchased, to be recovered by suit in a summary manner before a Stipendiary Magistrate.

Grant of lease
of selected
sites and water
powers.

24. Upon receipt from the Company of the plans of the sites as set forth in Section 7 aforesaid and upon agreeing with the Company for the provision of necessary rights of way for the public and for the Company the Government shall grant to the Company a lease of the said lands for the term of seventy five years at twenty dollars per square mile but subject to termination upon the determination of any licence granted under Section 10 hereof and the Government will at the request of the Company demise to the Company for a period ending with the determination of the lease any water powers in the vicinity of Carter's Basin which the Company shows to the satisfaction of the Government by November 1st, 1940, to be required for the purposes of its operations subject to a maximum of 1000 horse power at a rate of fifty cents for each average annual horse power developed and used.

Grant of rights
of way.

25. The Government shall upon issue of the lease referred to in Section 24 hereof further grant to the Company such rights of way as shall be necessary for its flumes, roads, railways or other means of transportation of its timber in accordance with the selection

made under Section 8 hereof but subject to the right of the Government to make reservations for the preservation of the necessary rights of the public; and all rights of the Company in respect of such right of way shall determine upon termination of the licence and lease hereinbefore referred to and the said lands shall revert to the Crown.

26. In addition to any other reservation contained in any lease or licence issued hereunder there shall be reserved a public right of way of not less than twenty five feet along the shores of the Kenamu River and Carter's Basin: Provided that where necessary for the Company's operations the Government may grant sites upon the fore-shore and in such case the said public right of way shall be reserved around the Company's premises instead of along the shore.

27. If at the determination of any lease or licence issued hereunder the Government shall be desirous of purchasing all or any of the moveable machinery, plant and other things of the Company in or upon the lands so licensed or leased and used in connection with the logging enterprise, and of such its desire shall give notice in writing to the Company six calendar months at least before the determination of the licence or lease (unless determined by forfeiture in which case the notice may be given within two calendar months after such forfeiture) then and in such case the articles and things specified in such notice shall not be removed by the Company but shall be taken by the Government at a price to be agreed upon between the parties or in case of differences to be settled by arbitration. Payment to be made within three calendar months after settlement of the matter with interest thereon at the rate of five per cent. per annum from the date of settlement until payment.

28. In case the Government shall not give notice of its intention to purchase as aforesaid all or any of the

Public right of way to be reserved.

Government to have right of purchase of moveables on determination of any lease or licence.

Removal of moveables by Company.

said articles or things or having given such notice shall not with all convenient speed concur with the Company in taking all proper steps for ascertaining the price and value thereof or shall not pay the amount of such valuation within the period of three calendar months as aforesaid then and in such case it shall be lawful for the Company to remove the articles and things not so purchased and paid for at any time within three months after the determination of the lease or licence or if there shall have been such default by the Company as aforesaid within three calendar months after such default the Company doing as little damage as may be to the said premises and works.

Company to construct works and buildings for conduct of enterprise and accommodation of employees.

29. The Company shall construct in the vicinity of Carter's Basin all works and buildings necessary for the efficient conduct of its logging and export enterprise and for the accommodation of its employees and adequately equip the same and shall construct and maintain in good repair and in a proper and efficient state a settlement comprising all necessary houses, a hospital, churches, schools and a recreation hall and other necessary facilities for the accommodation of all employees of the Company who shall permanently reside there. The work of constructing the said necessary works and permanent buildings shall commence not later than the 1st day of July, 1941.

Free importation by Company of materials for construction.

30. (1) All material, plant, tools, fixtures and machinery required for and used in the construction of the plants and offices of the Company to be erected in the area in Labrador to be occupied by the Company, including material used and necessary for any hydroelectric plant and flumes to be installed by the Company; and for the construction of wharves, piers and light railways, sewerage, heating and lighting systems, both for the original construction and installation and for the further extension of the same, but not in substitution of

new for old, including any vessels and boats to be used by the Company for towing logs in or near the said area in Labrador, shall for the period of five years from the date of coming into effect of this Act be imported into Newfoundland free of import duty and taxes, except as provided in subsection (2) of this section.

- (2) The Company shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland on the following: ^{Materials not exempted.}
- (a) Machinery, equipment, spare parts and articles and material required for renewals, replacements and repairs of the Company's plants, offices, factories, wharves, railway, sewerage, heating and lighting systems.
 - (b) Clothing, dry goods, hand tools, food and all consumable stores of whatsoever nature for use both on sea or inland waters or land in connection with any operations connected with the activities of the Company.
 - (c) Material and equipment for houses as such and for buildings ordinarily used for dining or living purposes.
 - (d) Moveable articles of household and office furniture, including stoves and furnaces, not being furnaces for the heating of the plants, offices and factories of the Company.
 - (e) Goods intended for the personal and private use or ownership of individuals.

(f) Lumber.

(g) Windows and doors and casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, made or constructed mainly or entirely of wood, of kinds, qualities and sizes manufactured in Newfoundland if such windows and doors and casings therefor, sashes, mouldings, mantels, stairs, cupboards, barrels, boxes or other containers, vessels, boats, can be obtained in Newfoundland as and when and of qualities and sizes required by the Company from time to time.

(h) Nails

(i) Paints.

(j) Coal.

Company's obligations to cut and export in 1942-1943.

31. (1) The Company shall cut for export on the said licensed areas in the cutting season of 1942-1943 not less than 50,000 cords of wood.

(2) The Company shall in the shipping season of 1943 export from Newfoundland not less than 50,000 cords of the said wood.

Company's obligations to cut and export from 1943 to 1947.

32. (1) The Company shall in the four cutting seasons following that of 1942-1943 cut for export on the said licensed areas not less than 50,000 cords in each and every year of the said years and not less than 75,000 cords per year calculated as the average annual cut for the four years, it being the intention of the Company to increase the yearly cut so far as may be in its power, by regular annual increases.

- (2) The Company shall in the four shipping seasons following that of 1943 export from Newfoundland not less than 50,000 cords of the said wood in each and every year.
- (3) The Company shall in the four shipping seasons following that of 1943 export from the licensed areas an annual export for the four years which shall average not less than 75,000 cords of the said wood per year.

33. The Company shall in the cutting season of 1947-1948 cut for export on the licensed areas not less than 100,000 cords of timber and shall in the shipping season of 1948 export from Newfoundland not less than the said quantity so cut and shall cut for export and shall export not less than 100,000 cords of timber so cut in every year thereafter for the term of the licence granted hereunder.

34. The Company shall pay to the Government in respect of timber cut upon the licensed areas the following charges:

- (a) Timber cut prior to the first day of September, 1942—12½ cents per cord.
- (b) Timber cut from the first day of September, 1942 to the thirty first day of August, 1947, inclusive—25 cents per cord.
- (c) Timber cut from the first day of September, 1947, to the thirty first day of August, 1952—50 cents per cord.
- (d) Timber cut from the first day of September, 1952, and thereafter during the continuance of the licence—75 cents per cord.

Reduced
royalty on
wood
manufactured
in sulphite
pulp mill.

35. If the Company shall construct in Labrador and bring into operation during the term of the licence a mill for the production of sulphite pulp capable of producing one hundred and fifty air dry tons per day the Company shall pay to the Government in lieu of any royalty payable under clause (d) of the preceding section in respect of wood manufactured in the said mill the sum of fifty cents per cord only.

Exemption
from taxes.

36. No unmanufactured timber exported by the Company under this Act shall be subject to the payment of any tax or duty.

Employment of
Newfoundland
labour.

37. The Company shall so far as is reasonably practicable employ Newfoundland labour in the establishment of its works and in the operation of the enterprises hereunder and shall not employ at any time a greater number than six persons not ordinarily resident in Newfoundland save with the consent of the Commissioner.

Forfeiture of
licence on
non-payment of
rent or
royalties.

38. Whenever the rent or royalties payable under the said licence shall be in arrears and unpaid for a period of six months from the day on which the same became due the Government may without any suit or other proceeding to enforce the same declare such licence forfeited and thereupon the same shall be forfeited and the licensed areas revert to the Crown.

Cancellation
prior to issue of
any licence or
lease.

39. If the Company shall fail to comply with any of its obligations under Section 2 or Section 5 or Section 7 or Section 8 of this Act the Government may refuse to issue any licence or lease provided for hereunder and thereupon all rights of the Company hereunder shall determine. Provided however that the Company with the consent of the Commissioner may export any timber of spruce and balsam fir and manufacture other timber then cut by the Company upon the areas hereinbefore described upon payment of a royalty of twelve and one half cents per cord and provided further that if the Company shall be prevented from complying with any of its aforesaid

obligations by act of God, fire or other accident, war, acts of the public enemy or of civil or military authorities, riots or civil commotions or by any act or event other than lack of finance beyond the reasonable control of the Company the Company shall be granted extensions of time not exceeding the period of delay caused thereby and not exceeding in the whole a period of twelve months in respect of all delays.

40. If the Company fails to comply with any of its obligations under Section 31 or Section 32 or Section 33 of this Act the Government shall notify the Company accordingly to remedy its default by increased cutting or export as the case may be to the satisfaction of the Government within such period as may be specified in the notice which shall not be less than six months. Upon expiration of the said notice if the Company shall not have remedied such default all of the Company's rights hereunder shall cease and all of its rights and privileges hereunder and all grants, leases and licences made hereunder shall thereupon determine: Provided that if the default of the Company under any of the said sections shall be due to act of God, strikes, fire, flood or other accident, war, acts of the public enemy, or of civil or military authorities, riots or civil commotions or by any act or event other than lack of finance beyond the reasonable control of the Company the Company may apply to the Government to be released in any year from compliance with its obligations under any of the said Sections 31 or 32 or 33 and if the Government shall be satisfied the Company shall be released and if the Government shall refuse to admit the claims of the Company then the dispute may be submitted to arbitration and in such event the Company and the Government shall each appoint an arbitrator within one month of notice requiring such appointment and the two arbitrators so appointed shall appoint a third and the dispute shall be decided by the said board of three arbitrators and if either party shall refuse to appoint an arbitrator or if

Cancellation on failure to comply with obligations to cut and export.

the said board shall not proceed to a decision with reasonable despatch the Supreme Court upon the application of either party may appoint arbitrators in place thereof who shall decide the matter. And the provisions of the Judicature Act with reference to arbitration shall apply thereto as if Section 212 of the Judicature Act had not been enacted.

Right of
cancellation
not to be
waived by
implication.

41. The right of the Government under the preceding sections to withdraw from the Company its rights and the liability to forfeiture of any licence or lease issued under this Act shall continue notwithstanding any acceptance of rent on behalf of the Government or other act or omission which might be construed as a waiver of its said right of withdrawal or forfeiture save it be by waiver under the hand of the Commissioner conveyed to the licensee by express authority of the Government.

Penalties for
breach of
certain
obligations.

42. If the Company shall fail to comply with any condition of the said licence or any provision of this Act other than those in respect of which provision for cancellation is made under the preceding sections and in respect of which no penalty is herein specifically provided then the Company shall be liable to a penalty which shall not exceed ten thousand dollars and which shall not exceed one hundred dollars for every day during which such default continues. The said penalty may be recovered by suit in the name of the Commissioner and shall be a first charge on any and all property of the Company that may be upon the lands licensed or leased hereunder.

Assignment.

43. (1) The licence and leases issued hereunder shall not be assignable, unless it shall be proved to the satisfaction of the Commissioner to be necessary for the carrying on of the enterprise and permission in writing is given by him accordingly.

(2) In the event of assignment the word "Company" in this Act and in any licence or lease

issued hereunder shall be deemed to include the assignee.

44. This Act may be cited as the Lake Melville Development Act, 1939. Short title.

SCHEDULE**Schedule.**

THIS AGREEMENT made this

day of

in the year of Our Lord
one thousand nine hun-
dred and thirty-nine BE-
TWEEN His Excellency
Vice-Admiral Sir Humph-
rey Thomas Walwyn,
K.C.S.I., K.C.M.G., C.B.,
D.S.O., Governor of New-
foundland and its Depend-
encies in Commission
(hereinafter called "the
Government") of the one
part AND

a Company incorporated
under the laws of New-
foundland (hereinafter
called "the Company") of
the other part.

WITNESSETH that pursuant to the provisions of the
Act No. of 1939 entitled "An Act for the en-
couragement of a Logging Enterprise at Lake Melville"
the Government hereby gives leave and licence unto the
Company, its agents and workmen, from the date hereof
for the period of seventy-five years and no longer to cut
spruce and balsam fir trees, timber, lumber and other
products of lumber, all of spruce or balsam fir, on the
land described herein so far as the said lands are un-
granted Crown lands or lands on which the said timber
remains the property of the Crown; with the right as
against all persons other than the Crown, its agents, offi-
cers and servants and those acting under or by grant,
licence, permission or other authority from the Crown to
hold and enjoy the said lands for the purpose of, and so
far as may be necessary for the cutting and removal or

the preservation of the said timber and with the further right of exporting the said timber from Newfoundland; and with the right in common with all others entitled by law to cut and manufacture but not to export, trees other than spruce and balsam fir on the land described herein so far as the said lands are ungranted Crown lands or lands on which the said timber remains the property of the Crown.

DESCRIPTION OF LAND

YIELDING AND PAYING therefor annually on the
day of in each and every
year, the rent of dollars being at the rate of
two dollars per square mile and royalties as follows in
respect of every kind of timber cut on the licensed areas
by the Company its agents and workmen, namely:

- (a) Timber cut prior to the first day of September, 1942—twelve and a half cents per cord.
- (b) Timber cut from the first day of September, 1942, to the thirty-first day of August, 1947, inclusive—twenty-five cents per cord.
- (c) Timber cut from the first day of September, 1947, to the thirty-first day of August, 1952, inclusive—fifty cents per cord.
- (d) Timber cut from the first day of September, 1952, inclusive and thereafter during the continuance of the licence—seventy-five cents per cord.

Provided however that if the Company shall construct on the Labrador and bring into operation during the term of the licence, a mill for the production of sulphite pulp capable of producing one

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[14th August, 1939]

SECTION 1.—Supplementary Supply, 1938-39.
Schedule.

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrants dated 9th November, 1938; 26th May, 1939; 2nd June, 1939; 15th June, 1939; and the 29th June, 1939; and issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60 and as further amended by the Act No. 21 of 1935, for the financial year ending the thirtieth day of June, One thousand nine hundred and thirty-nine, and for other purposes connected with the Public Service :—

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

That it may be enacted by the Governor, by and with the A.D. 1939.
advice of the Commission of Government, as follows:

1. From and out of the Consolidated Revenue Fund Supplementary
there may from time to time be issued by the Commission- Supply, 1938-39
er for Finance and Controller of the Treasury sums not

exceeding Six hundred and forty-four thousand seven hundred and fifty dollars (\$644,750), and the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of July, One thousand nine hundred and thirty-eight to the thirtieth day of June, One thousand nine hundred and thirty-nine, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act.

SCHEDULE

Schedule.	Head and Subhead	Department and Service	Amount
II.	Finance:		
D	Newfoundland Railway		\$220,500
J (b)	Expenses of Royal Visit		25,000
			<hr/> 245,500 <hr/>
V.	Assessor of Taxes:		
A	Salaries		150 <hr/>
VI.	Home Affairs:		
B	Travelling and Incidentals		1,400 <hr/>
VIII.	Justice:		
C	Administration of Justice		8,750 <hr/>
X.	Public Works:		
P	Roads		80,000 <hr/>

XI. **Public Health and Welfare and
War Pensions:**

E	Relief Expenditure	192,000
F	Allowances to Widows and Orphans.....	27,750
J	Maintenance and Equipment of Hospitals, etc.	57,100
		<hr/>
		276,850
		<hr/>

XIII. **Colonial Development Fund:**

I	Roads	32,100
		<hr/>
	Grand Total	\$644,750

AN ACT TO AMEND AND CONSOLIDATE THE ACTS
AUTHORIZING THE UNDERTAKING OF INSUR-
ANCE FOR THE PURPOSE OF MAINTAINING
THE CODFISH TRADE WITH ITALY

[14th August, 1939]

SECTION

- 1.—Power to insure ship-
ments of fish against cer-
tain abnormal risks.
- 2.—Disposition of premiums;
payment of expenses and
losses.
- 3.—Rate of premiums.
- 4.—Only codfish sold outright
to be insured.

SECTION

- 5.—Insurance may be to full
value.
- 6.—Time limit.
- 7.—Regulations.
- 8.—Repeal.
- 9.—Time of coming into
effect.
- 10.—Short title.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Power to insure
shipments of
fish against
certain
abnormal risks.

1. For the purpose of maintaining the codfish trade between Newfoundland and the Kingdom of Italy, the Commissioner for Natural Resources, hereinafter called the Commissioner, with the consent of the Commissioner for Finance, and after consultation with the Newfoundland Fisheries Board, may, where it appears to the Commissioner advisable so to do, insure or reinsure any shipment of salt codfish the product of Newfoundland in respect of any cargo or shipment of salt codfish exported from Newfoundland to the Kingdom of Italy against any risks of an abnormal or exceptional nature, insurance against which cannot in the opinion of the Commissioner be otherwise effected on reasonable terms, or at all, and may for that purpose fix and receive premiums and approve claims for payment: Provided that no insurance shall be undertaken by the Commissioner under this section—

- (i) so as to make the amount of insurance on any one cargo or shipment exceed the sum of \$200,000; or,

- (ii) so as to make the aggregate amount of liability outstanding at any one time exceed the sum of \$750,000.

2. (1) Any premiums received by the Commissioner in respect of insurance undertaken under this Act shall be paid into the Consolidated Revenue Fund.

Disposition of premiums; payment of expenses and losses.

- (2) Any expenses incurred by the Commissioner in connection with the business of insurance and any claims for losses made against the Commissioner by persons insured when the same shall have been approved by him shall be paid out of the Consolidated Revenue Fund.

3. The premium to be charged by the Commissioner for the insurance to be provided under this Act shall not be less than one and a half per centum upon the amount insured.

Rate of premiums.

4. Insurance shall be taken only upon salt codfish which shall have been sold outright before shipment.

Only codfish sold outright to be insured.

5. The Commissioner may insure a cargo or shipment up to the full invoice value thereof.

Insurance may be to full value.

6. The Commissioner shall not insure under this Act any cargo or shipment which shall leave Newfoundland by a steamer scheduled to leave Newfoundland later than the 30th day of June, 1940.

Time limit.

7. The Commissioner may make regulations governing the classes of fish which will be insured, the quantities of each class which may go forward in any cargo or shipment, the proof required by him of the compliance with any conditions laid down by this Act or by the regulations made thereunder, or of any other fact of which he requires proof. These regulations shall be published in the New-

Regulations.

foundland Gazette and in such other newspapers as the Commissioner shall in his discretion decide. They shall come into effect immediately upon publication in the Newfoundland Gazette. Regulations made under the Acts hereby repealed shall be deemed to have been made under this Act.

Repeal.

8. The Acts mentioned in the Schedule hereto are hereby repealed to the extent set forth in the third column of the said Schedule; Provided however that such repeal shall not affect the validity of any engagements entered into under the said Acts.

Time of coming
into effect.

9. This Act shall be deemed to have had effect as from the 1st day of July, 1939.

Short title.

10. This Act may be cited as the Italian Shipments Insurance Act, 1939.

SCHEDULE
ENACTMENTS REPEALED

Session or Chapter	Title or Short Title	Extent of Repeal
1. 1937 No. 19.	An Act to authorize the undertaking of insurance for the purposes of maintaining the codfish trade with Italy.	The whole Act.
2. 1938 No. 2.	An Act to amend Act No. 19 of 1937 entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy."	The whole Act.
3. 1938 No. 11.	An Act further to amend the Act No. 19 of 1937, entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy."	The whole Act.
4. 1938 No. 27.	An Act further to amend the Act No. 19 of 1937 entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy."	The whole Act.
5. 1938 No. 39.	An Act further to amend the Act No. 19 of 1937 entitled "An Act to authorize the undertaking of insurance for the purpose of maintaining the codfish trade with Italy".	The whole Act.

AN ACT TO INCORPORATE THE BISHOP JONES
EDUCATIONAL TRUST

[14th August, 1939]

SECTION

- 1.—Bishop Jones Educational Trust created a corporation.
- 2.—Seal and powers.
- 3.—(1) Chairman.
(2) Corporation to act by a majority.
(3) Quorum.

SECTION

- (4) Rules, and conduct of proceedings.
- 4.—Bishop may appoint to vacancies in Corporation.
- 5.—Vesting of certain moneys.
- 6.—Bishop to be Visitor.
- 7.—Powers of Corporation.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:

Bishop Jones
Educational
Trust created a
corporation.

1. The Right Reverend William Charles White, D.D.,
Lord Bishop of Newfoundland, and his successors in
office, and

The Rev. Jacob Brinton,
The Rev. Eleazer Alfred Butler,
The Rev. Hugh W. Facey,
The Rev. Thomas Greavett,
The Rev. John Thomas Hiscock,
The Rev. Edgar Thomas Loder,
The Rev. Canon John A. Meaden,
The Rev. Canon Frank Smart,
The Hon. George A. Bartlett,
The Hon. Sir John R. Bennett, K.B.E.,
Christopher Bertram Dicks, Esq.,
Conrad Fitzgerald, Esq., M.D.,
The Hon. Sir William H. Horwood, Kt.,
Philip Hutchings Knowling, Esq.,
Robert Gear Macdonald, Esq.,

shall be and are hereby created a body corporate by the
name of the Bishop Jones Educational Trust.

2. The Corporation shall have perpetual succession and a corporate seal and by the name of the Bishop Jones Educational Trust shall be capable in law of suing and being sued, pleading and being impleaded in all courts and places whatsoever, and shall have power to take and hold lands and all other property whatsoever for educational purposes and uses of the Church of England in Newfoundland and with the consent of the Bishop to lease, sell, convey and dispose of same, and to conduct a hostel for Church of England girls therein.

Seal and
powers.

3. (1) The Bishop shall be Chairman of the Corporation.

Chairman.

(2) The Corporation shall act by a majority.

Corporation to
act by a
majority.

(3) Six members of the Corporation personally present at a meeting shall be a quorum. In the event of votes being equal the Chairman shall have a casting vote in addition to his own vote.

Quorum.

(4) The Corporation may make rules for the conduct of its own proceedings and the transaction of its business and may appoint its own officers other than the Chairman and its own servants; and it shall appoint a Vice-Chairman to preside at meetings in the absence of the Bishop.

Rules and
conduct of
proceedings.

4. In the event of a vacancy occurring in the Corporation either by death or by resignation the Bishop may appoint any person by writing under his hand and seal to fill such vacancy.

Bishop may
appoint to
vacancies in
Corporation.

5. All moneys held for the purpose of a school or hostel as a Memorial to the late Right Reverend Llewellyn Jones shall henceforth be and the same are hereby vested in the said Bishop Jones Educational Trust.

Vesting of
certain moneys.

Bishop to be
Visitor.

6. The Bishop shall be the Visitor of any school or hostel belonging to the Corporation and shall have the power to appoint such persons as he shall think fit to office or employment in the school or hostel and shall make all necessary rules for religious instruction and discipline therein.

Powers of
Corporation.

7. The Corporation shall have power to borrow money for the purposes of the Trust and also to give lands and property of the Corporation as security for the repayment thereof.

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND NORTH AMERICAN FISHERIES LIMITED

[31st August, 1939]

SECTION

- 1.—Ratification of Agreement.
- 2.—Power to assign.

SECTION

- 3.—Act to be read with No. 4 of 1938.
- 4.—Short title.

WHEREAS by the Act No. 4 of 1938 entitled “An Act for the Confirmation of an Agreement between the Government and Santa Cruz Oil Corporation”, a certain Agreement dated the 18th day of May, 1937, between the Government and the said Corporation was approved, confirmed and adopted as by reference to the said Act will more fully appear;

AND WHEREAS it appears that the said Santa Cruz Oil Corporation in pursuance of the provisions of Section 2 of the said Act has assigned its rights, privileges, liabilities and obligations to North American Fisheries Limited, a company incorporated under the laws of Newfoundland;

AND WHEREAS there has been entered into between the Government and North American Fisheries Limited under date of June 27th, 1939, an Agreement supplementing and varying the provisions of the Agreement of May 18th, 1937, which Supplemental Agreement is the Schedule of this Act;

Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1939.

1. The Agreement made between His Excellency Sir Humphrey Thomas Walwyn, K.C.S.I., K.C.M.G., C.B., D.S.O., Governor of Newfoundland and its Dependencies Ratification of Agreement.

in Commission, of the one part and North American Fisheries Limited, a Company incorporated under the laws of Newfoundland of the other part, dated the 27th day of June, 1939, and forming the Schedule to this Act is hereby approved, confirmed and adopted and all and singular the several clauses and provisions thereof are hereby declared to be valid and binding upon the said parties thereto and each of them respectively and to have the force and effect of law, and all and singular the several acts, matters and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be proper and lawful, and the parties and each of them shall have full power and authority from time to time to do and perform or omit to do and perform all and singular the several acts, matters and things in and by the said Agreement provided to be done or not to be done, as the case may be, in the manner and with the effect and under the conditions stipulated and provided in the said Agreement.

Power to
assign.

2. The rights and privileges conferred and the obligations and liabilities imposed upon North American Fisheries Limited by this Act and by the Agreement forming the Schedule hereto, shall be deemed to extend to any person or corporation to whom the same or any part of the same may be assigned provided the consent in writing of the Government of Newfoundland to such assignment has been first obtained.

Act to be read
with No. 4
of 1938.

3. This Act shall be read with the Act No. 4 of 1938 aforesaid.

Short title.

4. This Act and the Act No. 4 of 1938, may be cited together as the Santa Cruz Oil Corporation Acts, 1937-39.

AN AGREEMENT made at St. John's in the
Island of Newfoundland this
twenty-seventh day of June,
Anno Domini, One thousand
nine hundred and thirty-nine
(L.S.) BETWEEN His Excellency
(Sgd.) Humphrey Walwyn Vice-Admiral Sir Humphrey
Thomas Walwyn, K.C.S.I.,
K.C.M.G., C.B., D.S.O., Gov-
ernor of the Island of New-
foundland and its Depend-
encies in Commission (herein-
after called "the Govern-
ment") of the first part AND
(Sgd.) L. E. Emerson, North American Fisheries
H. M. Attorney General. Limited, a company incor-
porated under the laws of
Newfoundland (hereinafter
called "the Company") of
the other part.

WHEREAS an agreement dated the 18th May, A.D.
1937, was made between the Government and Santa Cruz
Oil Corporation, a body corporate constituted under the
laws of the State of California, in the United States of
America, which agreement is ratified by the Act Number
4 of 1938 and is hereinafter called the Statutory Agree-
ment.

AND WHEREAS the said Santa Cruz Oil Corporation
has assigned all its rights, privileges, obligations and
liabilities under the Statutory Agreement to the Company,
such assignment having received the approval of the Gov-
ernment in pursuance of Clause 12 (1) of the said Agree-
ment confirmed by statute:

AND WHEREAS the Company has represented to
the Government that it is unable to carry out during the
year 1939 its obligations under Clauses 2, 14 and 16 of the
Statutory Agreement without assistance from the Gov-

ernment by way of provision of boats for the explorations and testing of the herring fishing grounds and of gear to be used by the fishermen employed by the Company:

AND WHEREAS the Government has agreed to make available certain boats, gear and funds for the aforesaid purposes upon certain terms and conditions:

NOW THEREFORE THESE PRESENTS WITNESS AS FOLLOWS:

1. This Agreement is supplementary to the Statutory Agreement but nothing in this Agreement or done or purporting to be done thereunder shall be deemed to operate as a waiver on the part of the Government of any of the obligations of the Company under the Statutory Agreement or of any of the Government's rights in respect thereof.

2. The Company agrees that it will procure and not later than the 31st day of August, 1939, have upon the coast of Labrador equipped and found with crew, fuel and machinery and ready for operation a factory ship of United States Registry capable of manufacturing herring or other fish into oil and meal at the rate of not less than 6,000 barrels (of 240 lbs. each) of herring per working day of twenty-four hours.

3. The Company will deposit with the Government either the cash sum of Fifty Thousand Dollars (\$50,000.00) by way of security or a security bond issued by an approved guaranteeing corporation in the sum of Fifty Thousand Dollars (\$50,000.00) payable to the Government, the condition of which bond or of the forfeiture of the deposit as the case may be shall be that, unless the said ship shall be lying upon the coast of Labrador ready for operation by the said 31st August, 1939 then the cash deposit or the bond as the case may be shall be forfeited or escheated to the Government. The deposit of the said

bond or cash sum shall be a condition precedent to any obligations hereunder of the Government coming into effect.

4. The Company shall also deposit in a bank in St. John's Newfoundland, the sum of One Hundred Thousand Dollars (\$100,000.00) in the name of the Company which sum is not to be taken out or used save for the purpose of paying, whether by way of purchase price, remuneration or bonus, or for purchasing necessary food for fishermen who shall bring herring to the said factory ship or the Company's factory at Argentia or to its other ships or establishments, if any, or for paying wages of labour in connection with the enterprise and the deposit in the bank of the said sum shall be a condition precedent to any obligations of the Government under this Agreement coming into effect.

5. The Company agrees that the said factory ship shall remain present on the coast of Labrador for a period of not less than four weeks from her first arrival on such coast and during such period the Company shall receive on board and manufacture all herring brought to her.

6. The Company agrees that it will procure, find and bring to the Coast of Labrador or of Newfoundland at its own expense steam or power vessels capable of carrying in the aggregate about seven hundred (700) tons of herring per day of twenty-four hours, to act as auxiliaries to the factory ship and will keep the said vessels in operation in conjunction with the factory ship for the same period as the factory ship is agreed to be kept in operation.

7. The Company agrees, that so far as is permitted by the law of the United States of America under whose flag the said ships shall be, the crews and persons otherwise employed in and upon the factory ship and the ships

referred to in clause 6 shall be resident Newfoundland citizens.

8. The Government agrees that it will purchase or cause to be purchased on its behalf two Pacific type purse seiners, that is to say, vessels propelled by power and equipped for purse seining and eight small craft of a length of about thirty (30) feet each and equipped for purse seining and will lend all the said vessels to the Company from the date of their arrival in Newfoundland for a period of three years or until they are paid for under the provisions of Clause 16 hereof whichever period may be the shorter. Provided that the Government shall find for the first six months and thereafter the Company will find all fuel, wages, repairs, insurance, and running expenses of every kind and the Company shall accept as master or skipper of each vessel or craft a person whose qualifications shall have been approved by the Fisheries Board. The said vessels and craft shall be under the British flag.

9. The Government agrees to employ the Company as its agent for the purpose of purchasing the aforesaid vessels and craft and the Company agrees to perform such agency services without remuneration. None of the vessels or craft shall be purchased without prior inspection and approval by or on behalf of the Government and approval of price by the Fisheries Board unless the Government shall in writing expressly dispense with this provision.

10. The Government shall not be obliged to expend more than One hundred and forty thousand dollars (\$140,000.00) gross in the purchase, construction or acquisition of the said two vessels and eight other craft; such cost to include the cost of crew, fuel and all other expenses to bring them to Newfoundland and place them under Newfoundland registry; and if the said sum shall not suffice, then notwithstanding the provision of para-

graph 8 hereof only such lesser number of vessels shall be purchased as the sum will suffice to purchase.

11. The Company agrees to appoint a Newfoundland citizen approved by the Government as manager of all its Newfoundland operations concerned with the employment of fishermen, the purchasing of gear and the operations of the vessels and craft referred to in Clause 8 hereof.

12. (1) The Government agrees to expend from time to time during the season of 1939 a sum not exceeding Thirty-six Thousand Seven Hundred Dollars (\$36,700.00) for the following purposes:—

(a) for the employment of three expert herring fishermen from the Pacific Coast or Iceland or elsewhere to instruct Newfoundland fishermen in locating fish and catching the same in deep water;

(b) for the operation of six months of the two purse-seining vessels and eight small craft hereinbefore referred to off the South Coast of Newfoundland and off the Coast of Labrador for the purpose of demonstrating the methods of locating fish and teaching fishermen to operate gear in deep water;

(2) The proceeds of fish caught by the said two vessels and eight small craft during the said six months shall be paid from time to time to the Government by the Company in liquidation of the said expenditure not exceeding Thirty six Thousand seven Hundred Dollars (\$36,700.00).

13. The Company agrees that it will obtain the services of a sufficient number of Newfoundland fishermen with their boats and will arrange that such fishermen shall hire themselves and their boats to the masters of the United States ship or ships to be employed in the afore-said fishery.

14. The Government agrees that it will lend or at the option of the Company sell (retaining title until paid for) on terms to be approved by the Fisheries Board to approved fishermen, firms or other persons, who undertake to fish for the Company, herring traps, seines and other gear of suitable types selected by the Company and approved by the Fisheries Board to a total cost not exceeding Eighty-two Thousand Three Hundred Dollars (\$82,300.00), and will use the Company as its agent for the purpose of distributing such gear, and the Company agrees to act as such agent free of remuneration.

15. The Company agrees that it will keep a record of the herring supplied to any of its ships or factories by each fisherman, firm or other person supplied with gear by the Government.

16. The Company will from the date when the factory ship arrives on the Labrador Coast pay to the Government quarterly a sum equal to fifty cents (50c.) per ton of fish handled in the factory ship and in all other plants operated by it or otherwise in connection with this enterprise whether floating or stationary, including its Argentia plant whether the gear with which such fish shall have been taken shall have been provided by Government or not, and payment shall continue at this rate until the proceeds thereof shall have been paid off first, such sum not exceeding Eighty two thousand three hundred dollars (\$82,300.00) as may at the time remain outstanding upon the Government's advance of herring traps, seines and gear, and secondly, the sum not exceeding One hundred and forty thousand dollars (\$140,000.00)

expended by the Government on the two seining vessels and the eight small craft referred to in Clause 8.

17. The Company shall submit at the close of each calendar year a report to the Government on the experimental and investigational work carried out by it and if the Government is not satisfied that any vessels or craft lent by it to the Company under clause 8 hereof are being used for the purposes for which they are lent the Government may terminate the loan on three months notice.

18. Should the Company at any time or times fail to make the payments of fifty cents per ton provided for in clause 16 hereof the Government may in addition to suing for amounts due and unpaid under the said clause, terminate the loan of any vessels or craft lent by it under clause 8 hereof; Provided however that the Government shall not exercise its right to terminate the said loan in the case of a bona fide dispute between the Government and the Company as to the amount due, so long as on the termination of such dispute by adjudication or arbitration payment of any amount which may be found due by the Company is promptly paid.

19. The master or skipper and members of the crew of the two seining vessels and eight small craft shall be remunerated by the Company on a basis approved from time to time by the Fisheries Board.

20. As soon as the said sum of Eighty-two thousand three hundred dollars (\$82,300.00) or such less sum as may be outstanding in respect of the Government's advances of herring traps, seines and gear shall have been repaid to the Government by the levy of fifty cents (50c.) a ton on herring above referred to, the Government shall assign the said herring traps, seines and gear to the Company, which shall then be at liberty to make its own arrangements with fishermen, firms or others in respect

thereof; and as soon as the further sum of One Hundred and Forty Thousand Dollars (\$140,000.00) or such less sum as may have been expended by the Government on the cost of the two seining vessels and eight small craft referred to under Clause 8, shall have been so paid to the Government, the Government shall transfer the two large and eight small purse seining vessels above referred to to the Company and shall permit them to be transferred to the United States flag if so desired by the Company: Provided that the Government may from time to time release and transfer to the Company such part of the her-ring traps, seines, gear or vessels as may at that time have been covered by the payments made to date.

IN WITNESS WHEREOF His Excellency has caused the Great Seal of Newfoundland to be affixed to this Agreement and the Company has executed this Agreement in accordance with its rules and regulations.

By His Excellency's Command,

(Sgd.) J. A. WINTER
Commissioner for Home Affairs and Education.

The Common Seal of North American Fisheries Limited was hereunto by proper authority affixed in the presence of:

(Sgd.) CHAS. E. HUNT
Director (L.S.)

(Sgd.) CHESLEY A. CROSBIE
Director

AN ACT TO RESTRICT THE TRANSFER OR
MORTGAGE OF BRITISH SHIPS

[1st September, 1939]

SECTION

- 1.—Restrictions on transfer or mortgage of ships.
- 2.—Transfer from Nfld. Registry not to be made without authority of Board of Customs.

SECTION

- 3.—Provisions as to alterations.
- 4.—Offences and penalties.
- 5.—Act to be read with M. S. Acts.
- 6.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. It shall be unlawful, except under authority of the Board of Customs, to transfer or mortgage any British ship registered in Newfoundland or any shares in such a British ship; and if any person purports to effect any transfer or mortgage which is unlawful by virtue of this section then, in addition to the transfer or mortgage being void, he shall be guilty of an offence against this Act.

2. Notwithstanding anything in Section 53 of the Merchant Shipping Act, 1894, an application made (whether before or after the coming into force of this Act) for the transfer of the registry of a British ship from a port in Newfoundland to a port outside Newfoundland shall not be granted except with the approval of the Board of Customs.

3. Nothing in Section 48 of the Merchant Shipping Act, 1894, as amended by Section 53 of the Merchant Shipping Act, 1906, shall apply in relation to any alteration of a British ship registered in Newfoundland, which, in pursuance of the directions given by or on behalf of the Board of Customs, is made on any occasion for the purpose only of providing in the ship additional space

or accommodation for cargo, stores, passengers or crew: Provided that such particulars of the alteration as may be prescribed by the Board of Customs are within such time after the completion of the alterations as may be so prescribed, endorsed on the ship's certificate of registry by the Registrar of Shipping.

Offences and penalties.

4. (1) Any person guilty of an offence under this Act shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and such fine; or

(b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine.

(2) Any summary proceeding which may be taken against any person for an offence under this Act committed by him outside Newfoundland may, notwithstanding any limitation imposed by law upon time for taking proceedings, be commenced in any competent Court within six months from the date on which he first comes into Newfoundland after the commission of the offence.

Act to be read with M.S. Acts.

5. This Act shall be read with the Merchant Shipping Act, 1894, and amending Acts.

Short title.

6. This Act may be cited as the Transfer or Mortgage of British Ships (Restriction) Act, 1939.

AN ACT FURTHER TO AMEND THE EDUCATION
ACT, 1927.

[6th September, 1939]

SECTION 1.—Pensions to teachers in Adult Education, Land
Settlement Schools and Penitentiary.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. For the purposes of Section 75 of the Education Pensions to
Act, 1927, (dealing with the Teachers' Pension Fund)—teachers in
Adult Education, Land
Settlement
Schools and
Penitentiary.

(a) service in Adult Education since July 1, 1931, by any graded teacher or by any teacher with training in Adult Education approved by the Commissioner for Education; or

(b) service by any graded teacher in the school conducted in the Penitentiary at St. John's; or

(c) service by any graded teacher in the schools known as the Land Settlement Schools

shall, whether such service shall have been done before or after the passing of this Act, be considered for all purposes relating to teachers' pensions as if it had been done in a public school: Provided that all the provisions of the said section shall apply to such teacher, save that

(d) if he shall have been a contributor to the fund and shall have ceased to contribute and not withdrawn his deposits, he may resume his connection with the fund by paying up his arrears of contributions with compound interest at three per cent. without being subject to

the restriction to two years contained in paragraph (m) of the said section;

- (e) if he shall have been a contributor to the fund and shall have ceased to contribute and withdrawn his deposits he may resume his connection with the fund by paying up his arrears of premiums and salary contributions with compound interest as aforesaid at the rate of premium based on his age at the time of entering upon service in Adult Education, or in the Penitentiary School or in the Land Settlement Schools as the case may be;
 - (f) if he shall not have been a contributor to the fund he may establish a connection with the fund by paying up arrears of premiums and salary contributions with compound interest as aforesaid in respect of the period since he entered on service in Adult Education or in the Penitentiary School or in the Land Settlement Schools as the case may be at the rate based upon his age at the time of entering upon such service.
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AN ACT TO AMEND THE TOWN OF WINDSOR
(MANAGEMENT) ACT, 1938.

[6th September, 1939]

SECTION

1.—Amendment Sec. 34 (1).

2.—Definition of "owner".

3.—Fixing of licence fees.

SECTION

4.—Penalty for operating
without licence.

**Be it enacted by the Governor, by and with the advice of A.D. 1939,
the Commission of Government, as follows:**

1. Subsection (1) of Section 34 of the Act No. 42 of Amendment
1938, entitled "An Act to Incorporate the Board of Man- Sec. 34 (1).
agement for the Town of Windsor", is hereby amended
by inserting after the words in paragraph (a) "A town
service fee" the words "of not less than six nor more
than ten dollars".

2. For the purposes of the said Act the word "own- Definition
er" or any grammatical variation thereof when used in of "owner".
relation to land shall mean the owner of the freehold.

3. (1) The licence fee upon every person or company Fixing of
doing certain business within the limits of the licence fees.
town set forth in clause (b) of subsection (1)
of Section 34 of the said Act may be fixed
within the limits of ten dollars and thirty-five
dollars respectively by the Board in respect of
any such person or company or class of per-
sons or companies in accordance with the
Board's opinion as to the value or magnitude
of the business done by such person or com-
pany, which opinion shall be final.

(2) In the case of a person or company commene-
ing business after the rates for the year have
been fixed, the Board may make a special

assessment for the remainder of the current year, which shall then be posted up and thereupon become payable.

- (3) Any person or company deeming himself or itself aggrieved by the rate of licence fee fixed upon his or its business by the Board may request a hearing before the Board and reconsideration by them: Provided that upon such reconsideration the Board may require him or it to make or furnish a statutory declaration as to the amount or value of business done by him or it or may require the production of his or its books for examination.

Penalty for
operating
without
licence.

4. Any person who shall:

- (a) do any of the businesses referred to in paragraph (b) of subsection (1) of Section 34 of the said Act; or
- (b) being a commercial agent, other than a Newfoundland citizen doing or soliciting business with Newfoundland firms or companies only, do or solicit any business in the town of Windsor; or
- (c) operate within the said town any motor vehicle ordinarily operated as a bus or passenger car from within the limits of the town for hire or reward

without having first obtained a licence therefor from the Board in accordance with the provisions of the said Section 34 shall be liable on summary conviction to a fine not exceeding twenty-five dollars or in default of payment to imprisonment for a period not exceeding fourteen days; and every repetition of the said act shall be deemed to be a separate offence.

AN ACT FOR THE DEFENCE OF NEWFOUNDLAND.

SECTION

- 1.—Power of Governor in Commission to make war regulations.
- 2.—Application of Act and Regulations to aircraft, etc.
- 3.—Regulations relating to aliens.
- 4.—Onus of proof as to alienage.
- 5.—Ordinary pilotage regulations may be superseded.
- 6.—Protection of officers.

SECTION

- 7.—Payment of officers.
- 8.—Special powers of Governor in Commission.
- 9.—Payment for animals or goods taken; arbitration.
- 10.—Offences and penalties.
- 11.—Power to alter, etc., regulations.
- 12.—Powers to be cumulative.
- 13.—Regulations to have force of law; publication; judicial notice.
- 14.—Short title.

[1st September, 1939]

WHEREAS a state of national emergency has arisen, and it is expedient to confer upon the Governor in Commission certain powers for securing the public safety and the defence of the Island;

Be it therefore enacted by the Governor, by and with the A.D. 1939. consent of the Commission of Government, as follows:

1. It shall be lawful for the Governor in Commission to make regulations for the following purposes, namely:—

Power of Governor in Commission to make war regulations.

- (a) For prohibiting aliens from landing in the Island either generally or at certain places and for imposing restrictions or conditions on aliens landing or arriving at any port in the Island; and for appointing places within any port or ports for the landing of aliens; and

- (b) for prohibiting aliens from embarking in the Island either generally or at certain places and for imposing restrictions and conditions on aliens embarking or about to embark in the Island; and
- (c) for requiring aliens to reside and remain within certain places or districts; and
- (d) for prohibiting aliens from residing or remaining in any areas specified in the Regulations; and
- (e) for the deportation of aliens from the Island; and
- (f) for requiring aliens residing in the Island to comply with such provisions as to registration, change of abode, travelling or otherwise as may be made by the Regulations; and
- (g) for preventing the exportation of bullion, gold or silver coins, or all such coins as are legal tender in the Island, and for controlling, in the Island, the circulation of coins and for preventing the defacing or destruction of coins; and
- (h) for controlling foreign exchange transactions and in connection therewith for licensing exports and imports; and
- (i) for providing for the declaration by persons resident or being in Newfoundland of their holdings of foreign exchange and foreign securities and for requisitioning the same if deemed desirable; and

- (j) for restricting or prohibiting the flight of civil aircraft in the Island; and
- (k) for imposing lighting restrictions in any area in the Island, as a precautionary measure against air raids; and
- (l) for providing such other precautionary measures against air raids as the Governor in Commission may deem necessary; and
- (m) for controlling trade generally and particularly for controlling traffic in war materials; and
- (n) for extending the control of customs officers over imports and exports, and for economising, maintaining and controlling the food supply of the Island; and
- (o) for requiring inhabitants in danger areas to evacuate the same within a given time; and
- (p) for censoring any communication coming into or going out of or passing within the Island; and
- (q) for providing for official propaganda and counter-propaganda; and
- (r) for controlling public or private publicity, advertisements, notices, placards, and all such publications as may be detrimental to the safety of the Island; and
- (s) for prohibiting or controlling the use of radios and all other devices for receiving or transmitting messages or communications by wireless; and

- (t) for securing the safety of His Majesty's forces, ships and aircraft and the safety of any means of communication and of railways, ports and harbours; and
- (u) for preventing the spread of false reports, or reports likely to cause disaffection or alarm, or to interfere with the success of His Majesty's forces by land, sea or air or to prejudice His Majesty's relations with foreign Powers; and
- (v) for securing the navigation of vessels in accordance with directions given by or under the authority of the Governor in Commission or any Naval, Military, Air Force or Customs Officer; and
- (w) for the appointment of officers to carry the Regulations into effect and for conferring on such officers such powers as may be necessary or expedient for the purposes of the Regulations; and
- (x) for imposing penalties on persons who aid or abet any contravention of any of the Regulations and for imposing such obligations and restrictions on masters of ships or any other persons specified in the Regulations as appear necessary or expedient for giving full effect to the Regulations; and
- (y) for conferring upon such persons as may be specified in the Regulations such powers with respect to arrest, detention, search of premises, or persons and otherwise, as may be specified in the Regulations and for any ancillary matters for which it appears expedient to provide with a view to giving full effect to the Regulations; and

- (z) for any other matters which appear necessary or expedient with a view to the safety of the Island, or for the success of His Majesty's cause.

2. Anything in this Act or in Regulations made thereunder applying to ports or to vessels and the masters thereof or persons on board the same shall apply equally to air-ports or aerodromes and to aircraft and to the persons in charge of or on board of the same, so far as the same may be applicable and not excluded by the context.

Application of Act and Regulations to aircraft, etc.

3. Any provision of any Regulation made under this Act with respect to aliens may relate to aliens in general or to any class or description of aliens.

Regulations relating to aliens.

4. If any question arises on any proceedings under any such Regulation or with reference to anything done or proposed to be done under any such Regulation, whether any person is an alien or not or is an alien of a particular class or not, the onus of proving that that person is not an alien, or, as the case may be, is not an alien of that class, shall be upon that person.

Onus of proof as to alienage.

5. Any such Regulations or any orders made thereunder affecting the pilotage of vessels may supersede any Act, regulation or provision as to pilotage.

Ordinary pilotage regulations may be superseded.

6. No criminal nor civil proceedings shall be taken or brought against any officer appointed under the Regulations made under this Act for anything done or omitted to be done by him while discharging the duties conferred on him by this Act or the Regulations thereunder.

Protection of officers.

7. The Governor in Commission may cause due payment to be made to every officer appointed under this Act for the services rendered by him, and such payments shall be a first charge on the revenue of the Island.

Payment of officers.

Special powers
of Governor
in Commission.

8. It shall be lawful for the Governor in Commission:—

- (a) To order any person to quit the Island and if any person shall refuse to obey any such order the Governor may cause him to be arrested and removed from the Island;
- (b) to take possession of and use or control or to assign to any service on behalf of the State ships and vessels of every description, aircraft and aerodromes of every description, vehicles of every description, including motor cars and trucks and animals of every description and also food, forage and stores of every description;
- (c) to take over, maintain, control and use for the purposes of His Majesty's Naval, Military and Air services any tramways, railways, lighting plants, power stations, telegraphs, telephones, transports, fuel, water supply, sanitary services or any other service of a public or private nature as may appear necessary or expedient with a view to the safety of the Island;
- (d) to take possession of any land and to construct military works, including roads, thereon, and to remove any trees, hedges and fences therefrom;
- (e) to take possession of any buildings or other property, including works for the supply of gas or electricity;
- (f) to take such steps as may be necessary for placing any buildings or structures in a state of defence;

- (g) to cause any buildings or structures to be destroyed, or any property to be removed from one place to another, or to be destroyed;
- (h) to take possession of any arms, ammunition, explosive substances, equipment or warlike stores (including lines, cables and other apparatus intended to be used for telegraphic or telephonic purposes, wireless or otherwise);
- (i) to do any other act involving interference with private rights or property which is necessary for securing the public safety or the defence of the Island.

9. The Governor in Commission shall cause due payment to be made for any animal or thing taken in pursuance of this Act or any Regulation or Order made hereunder and any difference respecting the amount of payment for any animal or thing shall be determined by a Board of Arbitrators to be constituted and appointed by the Governor in Commission for this purpose. The determination of such a Board or a majority of the members of such Board present at any meeting shall be final and binding.

Payment for
animals or
goods taken;
arbitration.

10. If any person acts in contravention of, or fails to comply with any provisions of this Act or any Regulations or Order made thereunder, he shall be liable on summary conviction before a Stipendiary Magistrate to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding five thousand dollars, or to both, and in default of payment of such fine to additional imprisonment with or without hard labour for a term not exceeding six months, and the Court before which he is convicted may, either in addition to, or in lieu of, any such punishment require that person to enter into recognizances with or without

Offences and
penalties.

sureties to comply with the provisions of this Act or the Registrations or Orders made thereunder or such provisions thereof as the Court may direct.

If any person fails to comply with an order of the Court requiring him to enter into recognizances, any Court of Summary Jurisdiction may order him to be imprisoned with or without hard labour for any term not exceeding six months.

Power to alter,
etc., regulations

11. The Governor in Commission may by Regulation, revoke, alter, amend or add to any Regulation made under this Act as occasion requires.

Powers to be
cumulative.

12. Any powers given under this Act or any Regulation made thereunder shall be, in addition to and not in derogation of any other powers of the Governor in Commission, whether now existing or hereafter created.

Regulations to
have force
of law;
judicial notice
publication;

13. The Regulations made under this Act shall upon publication in the Newfoundland Gazette have the force of law and shall be judicially noticed.

Short title.

14. This Act may be cited as the Defence Act, 1939.

AN ACT TO PREVENT TRADING WITH THE ENEMY

[3rd September, 1939]

SECTION

- 1.—Penalties for trading with the enemy.
- 2.—Definition of trading with the enemy.
- 3.—Additional provisions as to what constitutes trading with the enemy.
- 4.—Misrepresentation; penalty for.
- 5.—Power to inspect books and documents if an offence is suspected.
- 6.—Procedure.

SECTION

- 7.—Removal of trading with the enemy restrictions.
- 8.—Power to inspect books and documents in the case of certain classes of persons or firms.
- 9.—Information given to inspector may be used in evidence against giver.
- 10.—Power to appoint supervisors.
- 11.—Power to appoint a Controller.
- 12.—Short title.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows: A.D. 1939.

1. Any person who, during the present war, trades, or who has since 10 a.m. Daylight Saving Time on September 3rd, 1939, traded with the enemy within the meaning of this Act shall be guilty of a misdemeanour, and shall—

Penalties for trading with the enemy.

- (a) on summary conviction be liable to imprisonment with or without hard labour for a term not exceeding twelve months, or to a fine not exceeding \$2,500.00 and in default of payment thereof to imprisonment for a term not exceeding twelve months, or to both such imprisonment and such fine; or
- (b) on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding two years, or to a fine, and in default of payment thereof to imprison-

ment for a term not exceeding two years, or to both such imprisonment and such fine;

and the court may in any case order that any goods or money, in respect of which the offence has been committed, be forfeited.

Definition of
trading with
the enemy

2. (1) For the purposes of this Act a person shall be deemed to have traded with the enemy if he has entered into any transaction or done any act which was, at the time of such transaction or act, prohibited by or under any proclamation issued by the Governor in Commission dealing with trading with the enemy, for the time being in force, or which at common law or by statute constitutes an offence of trading with the enemy: Provided that any transaction or act permitted by or under any such proclamation shall not be deemed to be trading with the enemy.

(2) The Governor in Commission may by proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in Newfoundland or Labrador from trading with any persons or bodies of persons resident or carrying on business in enemy territory or elsewhere (other than persons or bodies of persons, incorporated or unincorporated residing or carrying on business solely within His Majesty's dominions) wherever, by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to the Governor in Commission expedient so to do, and if any person acts in contravention of any such proclamation he shall be guilty of a mis-

demeanour, triable and punishable in like manner as the offence of trading with the enemy.

Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this Act may be varied or added to by proclamation.

- (3) The Governor in Commission may by proclamation provide that all or any of the regulations for the time being in force relating to trading with the enemy shall apply to territory in friendly occupation as they apply to His Majesty's dominions, and to territory in hostile occupation as they apply to an enemy country.

3. (1) This Act shall apply to a person who, during the present war, attempts, or directly or indirectly offers or proposes or agrees, or has since 10 a.m. Daylight Saving Time on September 3rd, 1939, attempted, or directly or indirectly offered or proposed or agreed, to trade with the enemy within the meaning of this Act in like manner as it applies to a person who so trades or has so traded.

Additional provisions as to what constitutes trading with the enemy.

- (2) If any person without lawful authority in any wise aids or abets any other person, whether or not such other person is in Newfoundland or Labrador to enter into, negotiate, or complete any transaction or do any act which, if effected or done in Newfoundland or Labrador by such other person, would constitute an offence of trading with the enemy within the meaning of this Act, he shall be deemed to be guilty of such an offence.

- (3) If any person without lawful authority deals, or attempts, or offers, proposes or agrees, whether directly or indirectly, to deal with any money or security for money or other property which is in his hands, or over which he has any claim or control, for the purpose of enabling an enemy to obtain money or credit thereon or thereby, he shall be deemed to be guilty of the offence of trading with the enemy within the meaning of this Act.

Misrepresentation;
penalty for.

4. If, for the purpose of obtaining any licence, authority, or approval for any transaction or matter under or in connection with any proclamation or Act relating to trading with the enemy, any person—

- (a) makes or presents any declaration or statement or representation which is false in any material particular; or
- (b) produces a guarantee, certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with;

he shall be liable, on summary conviction, to a fine not exceeding \$2,500.00 (or, alternatively, in the case of goods for export, treble the value of the goods), and in default of payment thereof to imprisonment for a term not exceeding three months or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment, unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any document so presented or produced, or to satisfy himself of the genuineness of the guarantee, certificate or undertaking.

5. If a Justice of the Peace is satisfied, on information on oath, laid by or on behalf of the Commissioner for Justice, that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed by any person, firm or company he may issue a warrant authorising any person appointed by the said Commissioner and named in the warrant to inspect all books or documents belonging to or under the control of that person, firm or company, and to require any person able to give any information with respect to the business or trade of that person, firm or company to give that information, and if accompanied by a constable, to enter and search any premises used in connection with the business or trade and to seize any such books or documents as aforesaid: Provided that when it appears to the Commissioner for Justice that the case is one of great emergency, and that in the interests of the State immediate action is necessary, the Commissioner for Justice may, by written order, give to a person appointed by him or them the like authority as may be given by a warrant of a Justice under this section.

6. (1) A prosecution for an offence under Section 1 of this Act shall not be instituted, except by or with the consent of the Attorney General: Provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained. Procedure.

- (2) Where an Act constitutes an offence both under this Act and under any other Act, or both under this Act and at common law, the

offender shall be liable to be prosecuted and punished under either this Act or such other Act, or at common law, but shall not be liable to be punished twice for the same offence.

Removal of trading with the enemy restrictions.

7. The Governor in Commission may by Order in Commission declare that a position has been reached in which it is no longer expedient that the prohibitions on trading with the enemy should be enforced, and thereafter the provisions of this Act relating to trading with the enemy shall cease to have effect in regard to acts committed after a date to be specified in the Order in Commission.

Power to inspect books and documents in the case of certain classes of persons or firms.

8. (1) Where it appears to the Commissioner for Justice:—

- (a) in the case of a person, that such person was, or in the case of a firm, that one of the partners in the firm was, immediately before or at any time since the commencement of the war, a subject of, or resident or carrying on business in, a State for the time being at war with His Majesty; or
- (b) in the case of a company, that immediately before or at any time since the commencement of the war one-third or more of the issued share capital or of the directorate of the company was held by or on behalf of, or consisted of persons who were subjects of, or resident or carrying on business in, a State for the time being at war with His Majesty; or
- (c) in the case of a person, firm or company, that the person was or is, or the firm or

company were or are, acting as agent for any person, firm or company resident or carrying on business in a State for the time being at war with His Majesty; or

- (d) that the business or any part thereof carried on by any person, firm or company is, by reason of the enemy nationality or enemy association of that person, firm or company, or of the members of that firm or company, or otherwise, carried on wholly or in part for the benefit or under the control of or to the advantage of enemy subjects; or
- (e) that any person, firm or company, has entered into any contract with any person, firm or company of the kind or having the characteristics described in paragraphs (a), (b), (c) and (d) of this subsection

the Commissioner for Justice may, if he thinks it expedient for the purpose of satisfying himself that the person, firm or company is not trading with the enemy, or for the purpose of ascertaining whether the business is carried on for the benefit of or under the control of or to the advantage of enemy subjects, or for the purpose of ascertaining the relations existing or which before the war existed, between such person, firm or company or any member of that firm or company and any such subject, by written order, give to an inspector appointed by him authority to inspect all books and documents belonging to or under the control of the person, firm or company, and to require any person able to give information with respect to the business or trade of that person, firm or company, to give that information,

- (2) If any person having the custody of any book or document, which an inspector is authorized to inspect under this Act, refuses or wilfully neglects to produce it for inspection, or refuses to give any information asked of him, or gives false information, that person shall, on summary conviction, be liable to imprisonment not exceeding twelve months, or to a fine not exceeding five thousand dollars and in default of payment thereof, to imprisonment for a term not exceeding twelve months.

Information
given to
inspector may
be used in
evidence
against giver.

9. (1) Where a person has given any information to a person appointed to inspect the books and documents of a person, firm or company under this Act, the information so given may be used in evidence against him in any proceedings relating to an offence of trading with the enemy within the meaning of this Act, notwithstanding that he only gave the information on being required so to do by the inspector in pursuance of the latter's powers under this Act.
- (2) Where a person has been authorized under this Act to inspect the books and documents of any person, firm or company and any book or document is found by him to have been destroyed, mutilated or falsified, any person having or having had control of such book or document shall be guilty of a misdemeanour and liable to the same punishment as if he had been guilty of trading with the enemy, unless he proves that the destruction, mutilation, or falsification was not intended for the purpose of concealing any transaction which would constitute an offence of trading with the enemy.

10. Where on the report of an inspector it appears to the Commissioner for Justice that it is expedient that the business should be subject to supervision, the said Commissioner may appoint the inspector or some other person to supervise the business, with such powers as the Commissioner may determine. Any remuneration payable and expenses incurred, whether for the original inspection or the subsequent supervision, to such amount as may be fixed by the Commissioner, shall be paid by the said person, firm or company.

11. (1) Where it appears to the Commissioner for Justice in reference to any person, firm or company—

(a) that an offence under this Act has been or is likely to be committed; or

(b) that the control or management of the business has been, or is likely to be so affected by the state of war as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on;

the Commissioner for Justice may appoint a controller of the business of a person, firm or company, for such time, and subject to such conditions, and with such powers as the Commissioner may determine, including those of a Receiver or Manager.

(2) The Commissioner for Justice shall have power to direct how and by whom the remuneration, charges and expenses of the controller shall be borne, and any remuneration together with charges and expenses may be defrayed out of the assets of the business, and

charged on such assets in priority to any other charges thereon.

Short title.

12. This Act may be cited as the Trading with the Enemy Act, 1939.

AN ACT TO CONFER CERTAIN EMERGENCY POWERS ON THE CUSTOMS

SECTION

- 1.—Emergency control of imports, exports and local transportation.
- 2.—Power of seizure.
- 3.—Extent of power of prohibition; penalty for carriage of prohibited goods.
- 4.—Powers of Board of Customs.

SECTION

- 5.—Requirements as to entry and clearance.
- 6.—Evidence of destination.
- 7.—Notice of seizure.
- 8.—Refusal or withdrawal of clearance.
- 9.—Detention for further enquiry.
- 10.—Duration of Act.
- 11.—Short title.

[3rd September, 1939]

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. (1) The Governor in Commission may by Order, Emergency whilst a state of war in which His Majesty is ^{control} engaged exists, prohibit the importation, ex- ^{of imports,} ports and portation, carrying coastwise or otherwise of ^{local} transportation. goods.

- (2) Such Order may, whilst a state of war in which His Majesty is engaged exists, extend either to goods consigned from or grown or manufactured or produced in any country or place or to goods consigned from or grown or manufactured or produced in the country or place specified in the Order.

2. Where the Board of Customs has reason to sus- ^{Power of} _{seizure.} pect that any goods are being imported, exported, carried coastwise or otherwise in contravention of the provisions of any Order issued under the next preceding section of this Act the goods may be seized and may be dealt with in accordance with Sections 193 and 194 of the Customs and Excise Act, 1938; and in any proceedings for the forfeiture and condemnation thereof the

goods shall be forfeited unless the person claiming them shall prove that such goods were not imported, exported, carried coastwise or otherwise in contravention of such Order.

Extent of
power of
prohibition;
penalty for
carriage of
prohibited
goods.

3. (1) The power of the Governor in Commission by Order to prohibit the exportation of goods to any country or place named in the Order, shall include the power to prohibit the exportation of any goods to any such country or place unless consigned to such person or persons as may be authorized by or under the Order to receive such article.

(2) If any goods to which any such Order applies are delivered to any consignee other than an authorized consignee, the vessel in which they were exported shall for the purposes of the Acts relating to the Customs be deemed to have been used in the conveyance of goods liable to forfeiture under the Customs and Excise Act, 1938.

Powers of
Board of
Customs.

4. Pending the issue of an Order prohibiting or restricting the importation, exportation or carrying coastwise of any goods, the Board of Customs shall have power to take any action for preventing the importation, exportation or carrying coastwise of such goods as if the Order were in force at the time.

Requirements
as to entry
and clearance.

5. The Board of Customs may by Order under its hand require due entry and clearance before shipment whether for exportation, shipment as ships stores or to be carried coastwise of any goods enumerated in any Order made under Section 1 of this Act.

Evidence of
destination.

6. (1) If any goods shall be exported from Newfoundland, the exporter shall, if and when required by the Board of Customs, produce evidence to their satisfaction that such goods

have not reached an enemy country or a country which is treated as an enemy country or a person who is an enemy or is treated as an enemy, and, if he shall fail to do so, he shall incur a penalty of treble the value of the goods or five hundred dollars at the election of the Board, unless he proves that he did not consent to, or connive at, the goods reaching such a country or person and that he took all reasonable steps to secure that the final destination of the goods shall be that specified in the Customs documents relating to the shipment thereof.

- (2) In the case of proceedings taken under this section, an averment in the information that the defendant has failed to produce evidence to the satisfaction of the Board of Customs that the goods in question have not reached a person who is an enemy or treated as an enemy, or a country which is enemy or treated as enemy, under any law for the time being in force relating to trading with the enemy, shall be sufficient unless the defendant proves to the contrary.

7. Where in pursuance of the powers conferred by Notice of this Act any goods have been seized on the ground that seizure. the Board of Customs has reason to suspect that the country of origin of the goods is an enemy country, or a country treated as an enemy country, or that the goods are being imported in contravention of the law relating to trading with the enemy, the notice of the seizure required by Section 194 of the Customs and Excise Act, 1938, to be given to the owner of the goods may, if the owner has no address in Newfoundland, be given by the publication of a notice of seizure in the Newfoundland Gazette.

Refusal or
withdrawal
of clearance.

8. A Collector or Officer of Customs may at any time refuse clearance to any ship or withdraw the clearance granted to any ship about to depart from any port in Newfoundland.

Detention for
further
enquiry.

9. If any person about to export goods in the course of making entry before shipment shall make a declaration as to the ultimate destination of the goods, and the Board of Customs shall have reason to suspect that such declaration is untrue in any material particular, the goods may be detained until the Board is satisfied as to the truth of the declaration, and failing such satisfaction, the goods shall be forfeited.

Duration of
Act.

10. This Act shall have effect only during the continuance of the present War.

Short title.

11. This Act may be cited as the Customs (War Powers) Act 1939.

AN ACT TO MAKE FURTHER PROVISION FOR
PREVENTING TRADING WITH THE ENEMY.

SECTION

- 1.—Custodian of enemy property.
- 2.—Disposition of moneys.
- 3.—Payment to Custodian of moneys payable to enemy.
- 4.—Payments, when to be made.

SECTION

- 5.—Discovery by companies.
- 6.—Powers of Court or Judge.
- 7.—Holding and dealing with property by Custodian.
- 8.—Short title, etc.; definition of enemy.

[12th September, 1939]

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. The Governor in Commission may appoint a per-Custodian of son to act as Custodian of enemy property (hereinafter enemy property. referred to as “the Custodian”) for Newfoundland, for the purpose of receiving, holding, preserving, and dealing with such property as may be paid to or vested in him in pursuance of this Act.

2. The Custodian may place on deposit with any bank, or invest in any securities, approved by the Gov-^{Disposition of moneys.}ernor in Commission, any moneys paid to him under this Act, or received by him from property vested in him under this Act, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Governor in Commission may direct.

3. (1) Any sum which, had a state of war not existed, ^{Payment to}would have been payable and paid to or for the ^{Custodian}benefit of an enemy, shall be paid by the ^{of moneys}person, firm or company by whom it would ^{payable to}have been payable to the Custodian to hold ^{enemy.}subject to the provisions of this Act, and any Orders in Commission made thereunder, and

the payment shall be accompanied by such particulars as the Custodian may require.

- (2) Where before the passing of this Act any such sum has been paid into any account with a bank, or has been paid to any other person in trust for an enemy, the person, firm or company by whom the payment was made shall, within fourteen days after the passing of this Act, by notice in writing, require the bank or person to pay the sum over to the Custodian to hold as aforesaid, and shall furnish the Custodian with particulars as aforesaid. The bank or other person shall within one week after the receipt of the notice comply with the requirement and shall be exempt from all liability for having done so.

- (3) If any person fails to make or require the making of any payment or to furnish the prescribed particulars within the time mentioned in this section, he shall, on summary conviction be liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a period not exceeding six months, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and in addition to a further fine not exceeding two hundred and fifty dollars for every day during which the default continues, and every director, manager, secretary or officer of a company, or any other person who is knowingly a party to the default shall, on the like conviction, be liable to the like penalty.

Payments,
when to
be made.

4. Any payment required to be made under the preceding section to the Custodian shall be made—

- (a) within fourteen days after the passing of this Act, if the sum, had a state of war not existed, would have been paid before the passing of this Act; and
- (b) in any other case within fourteen days after it would have been.

5. (1) Any person who holds or manages for or on ^{Discovery by} behalf of an enemy any property, real or ^{companies.} personal (including any rights, whether legal or equitable, in or arising out of property real or personal), shall, within one month after the passing of this Act or if the property comes into his possession or under his control after the passing of this Act, then within one month after the time when it comes into his possession or under his control, by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may require, and if any person fails to do so he shall on summary conviction be liable to a fine not exceeding five hundred dollars and in default of payment thereof to imprisonment for a period not exceeding six months, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and in addition to a further fine not exceeding two hundred and fifty dollars for every day during which the default continues.
- (2) Every company incorporated in Newfoundland and every company which, though not incorporated in Newfoundland, has a share transfer or share registration office in Newfoundland shall, within one month after the

passing of this Act, by notice in writing communicate to the Custodian full particulars of all shares, stock, debentures, and debenture stock and other obligations of the company which are held by or for the benefit of an enemy; and every partner of every firm, one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purpose of business of the firm by a person who so became an enemy, shall, within one month after the commencement of this Act, by notice in writing communicate to the Custodian full particulars as to any share of profits and interest due to such enemies or enemy, and, if any company or partner fails to comply with the provisions of this subsection, the company shall, on summary conviction be liable to a fine not exceeding five hundred dollars and in addition to a further fine not exceeding two hundred and fifty dollars for every day during which the default continues, and the partner and every director, manager, secretary or officer of the company who is knowingly a party to the default shall on the like conviction be liable to the like fine, and in default of payment to imprisonment for a period not exceeding six months, or to imprisonment for a period not exceeding six months, or to both such imprisonment and such fine.

Powers of
Court or
Judge.

6. (1) The Supreme Court or a judge thereof may, on the application of any person who appears to the Court to be a creditor of an enemy or entitled to recover damages against an enemy, or to be interested in any property, real or personal, belonging to or held or managed for or on behalf of an enemy, or on the application

of the Custodian or of any Government Department, by order vest in the Custodian any such real or personal property as aforesaid, if the Court or the judge is satisfied that such vesting is expedient for the purposes of this Act, and may by the order confer on the Custodian such powers of selling, managing, and otherwise dealing with the property as to the Court or judge may see proper.

- (2) The Court or judge before making any order under this section may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the Court or judge may think fit.
- (3) A vesting order under this section as respects property of any description shall be of the like purport and effect as a vesting order as respects property of the same description made under "The Trustees Act".

7. (1) The Custodian shall, except so far as the Holding and Governor in Commission or the Supreme Court ^{dealing with} property by ^{Custodian.} or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding subsection, hold any money paid to and any property vested in him under this Act until the termination of the present war and shall thereafter deal with the same in such manner as the Governor in Commission may direct.
- (2) The property held by the Custodian under this Act shall not be liable to be attached or otherwise taken in execution, but the Custodian may, if so authorised by an order of the Supreme Court or a judge thereof, pay out of the prop-

erty paid to him in respect of that enemy the whole or any part of any debts due by that enemy and specified in the order: Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question to satisfy that debt and any other claims against that enemy of which notice verified by statutory declaration may have been served upon him.

- (3) The receipt of the Custodian or any person duly authorized to sign receipts on his behalf for any sum paid to him under this Act shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the Custodian.
- (4) The Custodian shall keep a register of all property held by him under this Act.

Short title, etc.;
definition of
enemy.

- 8. (1) This Act may be cited as the Trading with the Enemy (Enemy Property) Act, 1939, and shall be construed as one with the Trading with the Enemy Act, 1939.
 - (2) No person or body of persons shall, for the purposes of this Act, be treated as an enemy who would not be so treated for the purpose of any proclamation issued under the Trading with the Enemy Act, 1939, dealing with trading with the enemy for the time being in force.
-

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY

[12th September, 1939]

SECTION 1.—Supplementary Supply, 1939-40.
Schedule.

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, arising from the existence of a State of War, for the financial year ending the thirtieth day of June, One thousand nine hundred and forty :—

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

That it may be enacted by the Governor, by and with the ^{A.D. 1939.} advice of the Commission of Government, as follows :

1. From and out of the Consolidated Revenue Fund ^{Supplementary Supply 1939-40} there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding Ninety thousand dollars (\$90,000), and the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of July, One thousand nine hundred and thirty-nine to the thirtieth day of June, One thousand nine hundred and forty, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule of this Act,

Schedule.

SCHEDULE

Head and		
Subhead	Department and Service	Amount
III.	Customs:	
H.	War Services	\$4,000
IV.	Posts and Telegraphs:	
K.	War Service	4,000
VI.	Home Affairs:	
D.	War Services	2,500
VIII.	Justice:	
L.	Home Defence Force	50,000
M.	War Services	17,000
X.	Public Works:	
T.	War Services	12,500
		<hr/>
		\$90,000
		<hr/>

AN ACT TO AMEND THE ITALIAN SHIPMENTS
INSURANCE ACT, 1939.

[21st October, 1939]

SECTION 1.—Amendment to Sec. 1 (i).

A.D. 1939. **Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

Amendment to
Sec. 1 (i).

1. Notwithstanding anything in Section 1 (i) of the Italian Shipments Insurance Act, 1939, the Commissioner for Natural Resources may, provided all other provisions of the said Act shall have been complied with, insure and/or reinsure the cargo or shipment of codfish now in transit to Italy on the steamship “Dea Mazzella” in a sum not exceeding \$350,000, upon the terms and conditions in the said Act contained.

AN ACT FOR THE PURPOSE OF FIXING MINIMUM
PRICES FOR CODFISH

[25th October, 1939]

SECTION

- 1.—Interpretation.
- 2.—Commissioner to pay losses on salt codfish.
- 3.—Commissioner to pay losses on fresh fish.
- 4.—Additional payments.
- 5.—Method of calculating cost.
- 6.—Conditions precedent to entitlement.
- 7.—Method of establishing sales prices.
- 8.—Co-ordinating Committee.
- 9.—Marketing organizations.

SECTION

- 10.—Price of No. 2 Brazil.
- 11.—Keeping of books, &c.
- 12.—Form of fish receipt.
- 13.—Accounting dates.
- 14.—Disposal of surplus Labrador fish.
- 15.—Forfeiture of rights.
- 16.—Rules.
- 17.—Period of Act.
- 18.—Payment of claims.
- 19.—Short title.
- Schedule A.
- Schedule B.

WHEREAS in view of the depressed state of the fisheries it has been found necessary to take measures to ensure that fishermen shall receive for their codfish not less than certain minimum prices;

AND WHEREAS it is expedient to secure the said result by undertaking to compensate licensed exporters for certain losses which may result from the payment of such minimum prices provided certain conditions are fulfilled;

Be it therefore enacted by the Governor, by and with ^{A.D. 1939.} the advice of the Commission of Government, as follows:

1. In this Act:—

Interpretation.

- (a) "licensed exporter" shall mean an exporter of salt codfish holding an annual licence under the Fisheries Board Act, 1936.

- (b) "Commissioner" shall mean the Commissioner for Natural Resources.
- (c) "Board" shall mean the Newfoundland Fisheries Board.
- (d) "Association" shall mean the Salt Codfish Association.
- (e) "designated export points" shall mean such ports as shall from time to time be decided by the Board and the Co-ordinating Committee jointly.

Commissioner
to pay losses
on salt codfish.

2. The Commissioner shall pay or cause to be paid to a licensed exporter of salt codfish in respect of fish produced during the calendar year 1939 of the grades mentioned in Schedule A of this Act and purchased by him any sums by which the prices established from time to time under Section 7 of this Act in respect of a particular shipment of codfish are at the time of export of such shipment less than the cost of the said shipment arrived at by the processes of calculation provided under this Act.

Commissioner
to pay losses
on fresh fish.

3. The Commissioner shall pay or cause to be paid to a licensed exporter sums calculated in a manner analogous to that set forth in Section 2 of this Act in respect of any fish purchased in the fresh state and cured into salt fish in Newfoundland: Provided that in lieu of the price for salt fish set forth in Schedule A hereto such exporter shall have paid for such fish in the fresh state such prices as are set forth in Schedule A hereto.

Additional
payments.

4. The Commissioner shall, in addition to all other payments under this Act, pay to a licensed exporter a sum equivalent to twenty cents per quintal on all merchantable fish and all No. 1 and No. 2 Labrador fish pro-

duced in the year 1939 and purchased by him and in the possession of such licensed exporter on the 31st day of January, 1940. For the purpose of calculating the amount due under this section, the quantity of such merchantable and No. 1 and No. 2 Labrador fish in the possession of a licensed exporter shall be deemed to be the total quantity of such grades of fish purchased by him less such quantity thereof as shall have been exported by him up to and including the 31st day of January, 1940.

5. In order to arrive at the cost of codfish for the purpose of calculating amounts payable under Sections 2 and 3 of this Act a licensed exporter shall be entitled to add to the purchase price of the respective kinds and qualities of codfish purchased by him such of the items set forth in Schedule B hereof as apply to the kind or quality of fish in respect of which it is claimed that payment is due, upon and subject to the conditions set forth in the said Schedule.

6. (1) Subject to the proviso hereinafter in this section contained a licensed exporter shall not be entitled to receive any payment under this Act unless—

Method of calculating cost.
Conditions precedent to entitlement.

(a) he shall have paid for all codfish of 1939 production of the grades set forth in Schedule A purchased by him the prices set forth in the said Schedule at designated export points.

(b) he shall have sold the fish in respect of which such payment is claimed in such market and at such prices and upon such terms and conditions if any as shall have been approved by the Newfoundland Fisheries Board or as shall be required by any laws or regulations lawfully made.

- (c) in the case of a fisherman, or of a merchant (not being a licensed exporter) normally engaged in the issue of fishery supplies, who has obtained more than one half of his fishery supplies whether on credit or for cash from a licensed exporter, such licensed exporter shall have purchased all the fish produced by the fisherman or collected by the merchant from fishermen supplied by him as shall have been offered to the licensed exporter by such fisherman or merchant as the case may be.
 - (d) in the case of a fisherman, or of a merchant (not being a licensed exporter) normally engaged in the issue of fishery supplies, who has obtained more than one half of his fishery supplies whether on credit or for cash from more than one licensed exporter, each such licensed exporter shall have purchased such proportion of the fish produced by such fisherman or collected by the merchant from fishermen supplied by him as the amount of supplies obtained by such fisherman or merchant from such licensed exporter bears to the total of supplies obtained by such fisherman or merchant for the 1939 season from licensed exporters to the extent to which such fish shall have been offered to the said licensed exporter.
- (2) No licensed exporter shall be obliged to purchase from any fisherman or merchant any fish cured as to style contrary to the written instructions given by such licensed exporter.
 - (3) In any case in which a licensed exporter shall purchase codfish for cash or in which after

crediting his account in full there shall be a balance due to a seller, the licensed exporter shall pay such purchase price or balance as the case may be in cash to the seller unless the seller shall otherwise desire. A breach of this subsection shall be deemed to bring the licensed exporter within the penalty provided by Section 15 of this Act.

- (4) In order to qualify for payments under this Act a licensed exporter shall grade all fish in accordance with such regulations as shall, at the time of the purchase of any fish by the licensed exporter, be in force and he shall keep all grades of fish stored separately while in his store or warehouse.
- (5) Provided however that such licensed exporter shall not become disentitled to receive payment under this Act if in the opinion of the Commissioner he has failed to comply with any of the foregoing provisions of this section through inadvertence.
- (6) The Commissioner may require proof to his satisfaction that the said prices have been paid for all such fish bought by such licensed exporter and that all other conditions of this section have been complied with.
7. (1) For the purpose of establishing the minimum prices below which salt codfish shall not be sold in the foreign markets the Association shall appoint a Committee for each market (hereinafter called the Marketing Committee). Once in each month the Marketing Committee shall establish the minimum prices which shall prevail for the ensuing month: Provided however that if during such ensuing month

Method of
establishing
sales prices.

conditions in the opinion of any Marketing Committee render it necessary such Marketing Committee may revise the prices heretofore established.

- (2) Minimum prices to be established by the Marketing Committee shall before being established be submitted for the approval of the Chairman of the Board who, if not satisfied that said prices are proper and reasonable, may defer the establishment thereof and refer immediately the question of what are proper and reasonable prices to a Committee to be known as the Price Revision Committee which shall consist of two nominees of the Association and two nominees of the Board, and any sale prices agreed upon by the said Committee shall be taken as if they had been established by the Marketing Committee. Should the Price Revision Committee be unable to agree upon what prices are to be considered proper and reasonable they shall appoint an umpire and the decision of the majority of the said Committee and the umpire shall be final and binding and the prices settled by them shall be taken as if they had been established by the Marketing Committee. Should the representatives of the Association and the members of the Board be unable to agree upon an umpire either the Association or the Board may apply to the Supreme Court or a judge thereof summarily for the appointment of such umpire, and the section of the Judicature Act referring to arbitration shall apply mutatis mutandis to such application: Provided that for the purposes of this subsection it shall be the duty of the Board and of any Price Revision Committee and any umpire appointed as provided in this subsection in deciding what

prices shall be considered as proper and reasonable to have regard to—

- (a) the respective quantities of fish which at prices under consideration can reasonably be expected to be marketed or to remain as surplus, and
 - (b) the public interest with particular reference to the economic operation of the Government undertaking under this Act.
- (3) Nothing in this section shall be taken to relate to prices to be obtained for Labrador fish taken over by the Commissioner after the 31st day of May, 1940. .

8. There shall be a Committee to be known as the Co-ordinating Committee which shall consist of the Chairman of the Board, the Secretaries for Natural Resources and Finance, and six licensed exporters, to be appointed by the Governor in Commission. The Chairman of the Board shall be Chairman of the said Committee. The duties of the said Committee shall be of an advisory nature and they are to be consulted upon all such matters as shall be considered of sufficient importance to refer to them, and all such matters as shall be referred by the Commissioner or by his direction.

9. The respective Marketing Committees may from time to time recommend sales to be made and the share or quota of any licensed exporter therein. Such sales, shares and quotas shall be subject to the approval of the Board, and if any licensed exporter who in the opinion of the Board is reasonably capable of supplying his quota for any sale which the Marketing Committee recommend shall fail to do so, the Commissioner may on recommendation of the Board forfeit all his rights under this Act.

Price of No.
2 Brazil.

10. For the purpose of arriving at the amount due for loss on the sale of fish known as No. 2 Brazil the licensed exporter shall be deemed to have paid therefor at the rate of three dollars and twenty-five cents (\$3.25) per quintal.

Keeping of
books, &c.

11. Licensed exporters shall keep all necessary and proper books and records of all codfish bought and sold and of the qualities thereof, which accounts shall at all reasonable times be open to the inspection of the Board or of such person or persons as they shall from time to time appoint, and the Board or their appointees may at all reasonable times inspect any fish in the possession or control of any licensed exporter and the premises in which any such fish is stored.

Form of
fish receipt.

12. The Board may prescribe a form of fish receipt to be used in connection with any fish purchased by a licensed exporter and upon such fish receipt being prescribed the same shall be used by all licensed exporters.

Accounting
dates.

13. Accounts showing the amounts claimed as payable by the Commissioner under this Act shall be furnished each month showing claims arising as at the end of each month during which export shall have taken place.

Disposal of
surplus Labra-
dor fish.

14. (1) On the 31st day of May, 1940, the Commissioner shall take over from licensed exporters who are in possession of same all Labrador codfish purchased under this Act and then remaining unsold and the same shall as from that date be and become the property of the Government.

(2) The said codfish shall as soon as possible thereafter be inspected, culled, and weighed under the supervision of inspectors appointed by the Board and the grades thereof shall be deemed to be those settled by such inspectors, and such inspectors in settling grades thereof shall

take into consideration the dates on which the said fish shall have been cured: Provided however that any licensed exporter may appeal from the decision of any culler to the Chief Culling Inspector of the Board whose decision on any question referred to him shall be final and binding.

- (3) The Commissioner shall pay to the licensed exporters for the said Labrador fish of No. 1 and No. 2 grades the prices set forth in Schedule A hereof and for such fish as shall have become cullage, such price as the licensed exporters shall have paid for cullage. The Commissioner shall also pay to the licensed exporters for such Labrador fish taken over the appropriate charges prescribed in Schedule B hereto and in addition thereto the sum of twenty-five cents per quintal in lieu of all other claims arising hereunder in connection therewith.
- (4) To avoid doubts, it is hereby declared that the Commissioner shall not be under any obligation to pay for or to take over any Labrador fish which when purchased by the licensed exporter was of grade poorer than Labrador No. 2.
- (5) A licensed exporter whose fish has been taken over under this section shall be and remain responsible to the Commissioner for the storage, handling and shipment of such fish without storage charges or additional labour or overhead charges and shall obey all instructions of the Commissioner or of the Board on behalf of the Commissioner in relation thereto until the same shall have been removed from his possession or otherwise disposed of

by the Commissioner: Provided, however, that licensed exporters will not be required to store, handle or ship free of charge after the 1st day of September, 1940, codfish taken over by the Commissioner under the provisions of this section.

Forfeiture
of rights.

15. (1) The Governor in Commission may at his discretion forfeit all rights under this Act of any licensed exporter who in the opinion of the Board has committed any violation of the provisions of this Act or been guilty of any interference with the aims and objects for which this Act is passed so serious as to be in the opinion of the Board prejudicial to the interests of the country, or who has failed to make all reasonable efforts to sell his fish.

(2) Any licensed exporter aggrieved by the decision of the Governor in Commission under subsection (1) hereof may appeal therefrom to the Supreme Court.

Rules.

16. The Commissioner may on the recommendation of the Co-ordinating Committee make rules to provide for any cases not covered in the Schedules to this Act, with a view to giving effect to the provisions of this Act and the Schedules hereto.

Period of Act.

17. This Act and the liability of the Commissioner hereunder shall remain in effect until all matters arising hereunder in relation to the 1939 production of salt codfish, including the settlement of all claims, shall have been finally settled and disposed of.

Payment
of claims.

18. All claims for payment under this Act shall be made in such form and shall contain such information, and shall be verified in such manner as the Commissioner

may from time to time direct. All claims shall be paid within thirty days after the same shall have been approved.

19. This Act may be cited as the Fishermen's Assistance Act, 1939. Short title.

SCHEDULE A

Schedule A.

A. Shore Cure	Price
Large and Medium Merchantable....	\$5.50 per qtl.
Small Merchantable	4.75 " "
Large and Medium Madeira	5.00 " "
Small Madeira	4.25 " "
Labrador, shore style, not below standard of ordinary small Madeira...	4.25 " "

B. Labrador Cure			
Labrador cure cured for the Puerto Rico market.			
Number 1	.....	\$3.50	“ “
Number 2	.....	3.25	“ “

Provided however that a fisherman shall not be entitled to claim the above prices for an amount of Puerto Rico fish greater than one-third of the total amount of such fisherman's heavy salted fish.

Labrador or Heavy Salted Newfound-	
land fish, cured in Labrador style,	
Number 1	\$3.25 per qtl
Labrador or Heavy Salted Newfound-	
land fish, cured in Labrador style,	
Number 2	\$3.00 per qtl

Where fish is culled and purchased on the Labrador coast.	
No. 1	\$2.90 per qtl.
No. 2	2.65 " "

Where fish is purchased on the Labrador coast and it is impracticable to cull it as between No. 1 and No. 2, the price for mixed No. 1 and No. 2 shall be\$2.75 per qtl.

C. Salt Bulk

Heavy Salted Labrador, Shore or Bank Codfish, clean and not requiring rewashing for export in salt bulk state, properly split and of sound quality and measuring 12 inches and up\$2.25 per cwt.
(112 lbs.)

Shore style salted Labrador, Shore or Bank Codfish, clean and not requiring rewashing for export in salt bulk state, properly split and of sound quality, Small—measuring from 12 to 18 inches inclusive....\$1.90 per cwt.
(112 lbs.)

Shore style salted Labrador, Shore or Bank Codfish, clean and not requiring rewashing for export in salt bulk state, properly split and of sound quality, Large and Medium—over 18 inches\$2.25 per cwt.
(112 lbs.)

D. Fresh Fish.

(For salting and curing to any of the above-named qualities).

Sound split fish over 12 inches in length\$0.01 per lb.

The following deductions are permitted from the above prices:

- (1) In the case of fish listed under

Class A:

Light Damp: deduction of.....\$0.40 per qtl.

Heavy Damp: deduction of..... 0.60 " "

Young fish: deduction of..... 1.00 " "

- (2) In the case of a licensed exporter collecting fish at places other than designated export points, such a sum as shall be approved by the Board, not exceeding the actual cost of collection.

SCHEDULE B.

Schedule B.

A. Handling Allowances.

Labrador	St. John's	Outports
Labour	\$0.25 per qtl.	\$0.15 per qtl.
Overhead	0.25 " "	0.20 " "
Shore		
Labour	0.35 " "	0.25 " "
Overhead	0.40 " "	0.30 " "
Salt Bulk		
Labour	0.35 per draft	0.30 per draft
Overhead	0.25 " "	0.20 " "

(Draft=224 lbs.)

B. Packages.

Barrel	\$0 60
Cask	1.20
Half-cask	0.75
Box, 100 and 112 lbs. capacity	0.65
Drum	0.55
Half-drum	0.45

The above allowances include the cost of material and labour for lining and/or strapping.

If, after investigation, the Board is satisfied that the actual cost to the exporter in respect of items under the heads of "Handling Allowances" and /or "Packages" is less than the allowance in the above scales the Government may disallow any charge in excess of the actual cost.

C. Extra Allowance.

A sum equivalent to twenty-five cents per quintal on all dried salt codfish exported, of the grades mentioned in Schedule A and twenty-five cents per draft of 224 pounds on all salt bulk fish exported.

D. Special Provisions Relating to Salt Bulk and Fresh Fish

1. In any case where salt bulk fish has to be resalted at the expense of the licensed exporter, such licensed exporter may add to the cost of same the cost of salt actually used, not to exceed:

(a) in the case of salting in store, 8 hogsheads per 100 drafts;

(b) in the case of salting on board carrier which is to carry the fish to market, 6 hogsheads per 100 drafts.

2. In any case where fish is taken in fresh or in salt bulk and curing is advanced to a stage where it produces another type of fish referred to in this Schedule when shipped, the labour and overhead charges applicable to the class of dried fish made shall apply.

3. In any case in which salt bulk fish shall have been sold by a licensed exporter for export after having been stored in warehouse such licensed exporter shall be entitled to add to the cost of same a sum equivalent to ten

per cent. of the price at which the fish shall have been purchased.

E. Puerto Rico Fish.

In any case in which the Board shall permit a licensed exporter to dry Labrador fish for the Puerto Rico market after the same has been purchased and taken in, such licensed exporter shall be entitled to add to the cost of the same a sum equivalent to twenty-five cents per quintal upon the weight when dried: Provided that this sum may not be added to the cost of any fish purchased as Puerto Rico fish.

In any case in which the Board shall permit a licensed exporter to dry Labrador fish for any market which requires a greater degree of dryness than Puerto Rico, such licensed exporter shall be entitled to add to the cost of the same a sum equivalent to the actual extra labour costs involved and the actual extra loss in weight, and to be approved by the Board.

F. Special Cases.

In any case in which a licensed exporter in St. John's purchases packed fish from a licensed exporter in an outport, a sum equivalent to the amount allowed for labour in outports and overhead in St. John's respectively may be added to the prices listed in Schedule A.

In any case in which a licensed exporter exports fish on behalf of a person in an outport not a licensed exporter (which may be done only if the approval of the Board is first obtained in writing), the rates for labour and overhead to be added to the prices listed in Schedule A shall be those applicable to an outport, unless it is necessary to bring the said fish to St. John's, in which event the rate for overhead applicable to St. John's shall apply, and there may be added a sum equivalent to three per

cent. of the contract sale price as the remuneration of the licensed exporter.

In the case of an outport licensed exporter whose place of business is so situated that by reason of close of navigation or lack of shipping opportunities he is unable to ship direct to the foreign market, the Board may approve the transfer of such licensed exporter's fish to another designated export point. In any such case the licensed exporter may add to his cost the actual amount paid for freight, insurance and storage (if such licensed exporter has no storage premises at the last mentioned point) not to exceed a reasonable amount in any event.

In any case in which a licensed exporter in St. John's purchases fish packed in an outport from a person not a licensed exporter, such licensed exporter may add to the prices listed in Schedule A sums equivalent to the amount allowed for labour in an outport and overhead in St. John's respectively.

In any case in which a licensed exporter has not in the past been in the habit of shipping to a particular market except through the agency of some other exporter, such licensed exporter may, the previous approval in writing of the Board having been first obtained, export his fish to such particular market through the agency of another exporter, and may add to his cost a sum equivalent to three per cent. of the contract sale price as remuneration for the licensed exporter who exports the said fish.

AN ACT RESPECTING THE NEWFOUNDLAND MILITIA FORCE

[31st October, 1939]

SECTION

- 1.—Militia Force.
- 2.—Commissioner in charge of force.
- 3.—Appointment of officers.
- 4.—Regulations respecting uniforms, arms, etc.
- 5.—Uniform, when worn.
- 6.—Enlistment of volunteers.

SECTION

- 7.—Oath to be taken.
- 8.—Rules and regulations.
- 9.—Drill instructors.
- 10.—Application of Army Act.
- 11.—Exemption of pay from attachment.
- 12.—Duration of Act.
- 13.—Short title.

Be it enacted by the Governor, by and with the advice A.D. 1939.
of the Commission of Government, as follows:

1. It shall be lawful for the Governor in Commission Militia Force.
to raise by voluntary enlistment an armed force for
home defence service, to be called the Newfoundland
Militia.

2. Such member of the Commission of Government Commissioner
as the Governor in Commission may from time to time di- in charge of
rect shall have the control and management of the Force force.
and of all matters connected therewith.

3. The Governor shall appoint a person who shall Appointment
be charged with the military command of the Militia of officers.
Force, and shall have the rank of Lieutenant-Colonel of
Militia, and such officers and warrant officers as may be
deemed necessary. All non-commissioned officers shall
be appointed by the Lieutenant-Colonel.

4. Uniforms, arms and accoutrements shall be fur- Regulations
nished the officers, warrant and non-commissioned officers respecting
and men of the Militia. The Governor in Commission shall uniforms,
make rules and regulations as to the custody, care and arms, etc.
return of such uniforms, arms and accoutrements and
provide penalties for breaches of the same, which shall
have the force and effect of law.

Uniform,
when worn.

5. No Militia unit and no officer, warrant or non-commissioned officer or man shall at any time appear in uniform and armed except when on duty.

Enlistment of
volunteers.

6. Every member of the force upon enlistment shall sign a roll in which the conditions of his service shall be stated. No person shall be enlisted for a period beyond the expiration of six months from the date on which His Majesty shall cause a proclamation or proclamations to be issued declaring that a state of war no longer exists and the service of any member may be terminated by the Lieutenant-Colonel by three months' notice at any time before the said date.

Oath to be
taken.

7. Every officer on appointment and every man on enlistment shall take an oath in the following form:

I, A. B., _____, do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty, and that I will faithfully serve His Majesty in any place where I may be needed in Newfoundland, against all his enemies and opposers whatsoever, according to the condition of my service.

The oath may be administered by any commissioned officer or by a justice of the peace.

Rules and
regulations.

8. The Governor in Commission may, from time to time, make such rules and regulations as he may deem fit—

(a) as to the appointment and promotion of officers;

(b) as to the qualifications for enlistment;

(c) as to pay and allowances and the terms and conditions of service;

(d) as to times for training and drill;

- (e) as to the assembling and proceedings of Courts of Enquiry, to enquire into and report on any matter connected with the discipline of the Militia;

and for such other purposes as may be necessary for the full execution of this Act, and may affix penalties for breaches of the same and provide for the manner of the recovery thereof, and all such rules and regulations shall have the force and effect of law.

9. The Governor in Commission shall engage such ^{Drill} drill instructors and other teachers as may be necessary ^{instructors.} for the training of the Militia, and for such term of engagement and for such duties as to him shall seem fit.

10. Every officer and man of the Militia shall be ^{Application of} subject to the Army Act of the Imperial Parliament and ^{Army Act.} the King's Regulations and Orders for the Army and Army Orders in so far as the same can be locally applied, except that no man shall be subject to any corporal punishment other than imprisonment or death for any contravention of such laws and regulations.

11. The pay or salary of the officers and men of the ^{Exemption of} Militia shall not be subject to attachment under mesne ^{pay from} or final process of any court in Newfoundland. ^{attachment.}

12. This Act shall continue in force for one year ^{Duration} from the date hereof. ^{of Act.}

13. This Act may be cited as the Militia Act, 1939. ^{Short title.}

AN ACT TO AMEND THE DENTAL ACT, 1934

[8th November, 1939]

SECTION

1.—Registration of dentist.

SECTION

2.—Standard of matriculation.

3.—Temporary permits.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Registration
of dentists.

1. Section 8 of the Dental Act, 1934, (No. 1 of 1935) is hereby repealed and the following is substituted therefor:

8. Every person shall be entitled to have his name registered on the Dental Register upon satisfying the Board that he holds a dental degree or diploma from some regular University or School of Dentistry (not being an honorary degree) having not less than five years' course of study and that he has prior to obtaining such degree, passed a preliminary or matriculation examination satisfactory to the Board: Provided, however, that every person desirous of being registered under the provisions of this Act shall, before being entitled to registration, furnish to the Board satisfactory evidence of identification, and shall, pass before the members thereof, or such other examiners as may be appointed, an examination touching his fitness and capacity to practice as Dental Surgeon.

Standard of
matriculation.

2. Section 9 of the said Act is hereby repealed and the following is substituted therefor:

9. The Board may establish the standard of a preliminary or matriculation examination to be passed by every person desirous of registration under this Act prior to his obtaining his degree

in dentistry as provided in the preceding section.

3. Section 10 of the said Act is hereby repealed and the following is substituted therefor: **Temporary permits.**

10. A temporary permit signed and countersigned as required by subsection (b) of Section 7 of this Act may be issued by the Board to any unregistered dental practitioner, being a graduate of a University approved by the Board, for the practice of dentistry by the holder thereof as an Interne in a hospital. Such permit shall be for a period not exceeding six months but may be renewed for a similar period from time to time at the discretion of the Board and shall not authorize the holder thereof to engage in general practice as a dentist. The Board may annex to any such permit such conditions as they may deem advisable and such permit may be cancelled by the Board at any time for breach of any of the said conditions.
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AN ACT RESPECTING THE NEWFOUNDLAND OVERSEAS FORESTRY UNIT

[18th November, 1939]

SECTION

- 1.—Establishment of Nfld. Forestry Unit.
- 2.—Unit to be under control of Commissioner for Natural Resources.
- 3.—Appointment of officers of Unit.
- 4.—Employment of men to serve in Unit.

SECTION

- 5.—Pay and allowances to be determined by regulation.
- 6.—Articles of engagement for definite term of service.
- 7.—Rules and Regulations.
- 8.—Exemption of pay, etc., from attachment.

WHEREAS it is desirable to form a civilian Newfoundland Forestry Unit to serve in the United Kingdom, in the production of timber;

AND WHEREAS it is considered desirable that provision should be made for the setting up of this Unit;

A.D. 1939.

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Establishment
of Nfld.
Forestry Unit.

1. There shall be a Unit created for the purpose of cutting pitprops or timber in the United Kingdom for such time as may be required, which Unit shall be known as the Newfoundland Forestry Unit, hereinafter called the Unit.

Unit to be
under control of
Commissioner
for Natural
Resources.

2. The Commissioner for Natural Resources, hereinafter called the Commissioner, shall have the control and management of the Unit and of all matters connected therewith.

Appointment
of officers of
Unit.

3. The Governor in Commission may appoint an officer in charge of the Unit, who shall be called the Chief Overseas Forestry Officer, and such other officers as he may see fit and may assign their titles and duties.

4. The Governor in Commission may from time to time authorize the Chief Overseas Forestry Officer to employ such number of men to serve in the Unit as the Governor in Commission may think proper. Employment of men to serve in Unit.

5. The Governor in Commission by regulation may determine the pay and allowances to be received by all members of the Unit. Pay and allowances to be determined by regulation

6. Every member of the Unit shall upon appointment to the Unit sign Articles of Engagement for a definite term of service, and such engagement shall be made with the Chief Overseas Forestry Officer and may be enforced by him: Provided that such member of the Unit may be discharged or dismissed by the Chief Overseas Forestry Officer before the expiry of the said term. Articles of engagement for definite term of service.

7. The Commissioner may make Rules and Regulations, subject to the provisions of this Act, as to the terms of engagement of the members of the Unit, the duties and authority of the Chief Overseas Forestry Officer and of the other members of the Unit, and for the general discipline and guidance of the Unit. Rules and Regulations.

8. The pay, wages and other remuneration of the members of the Unit shall not be liable to mesne or final process in any Court in Newfoundland. Exemption of pay, etc., from attachment.

AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND GENERAL SEAFOODS CORPORATION.

[6th December, 1939]

SECTION

- 1.—Confirmation of Agreement between Government and General Seafoods Corporation.

SECTION

- 2.—Extension to assignees.
3.—Duty concessions.
4.—Drawbacks of duty.
5.—Short title.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Confirmation of Agreement between Government and General Seafoods Corporation.

1. The Agreement made between His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight Commander of the Most Exalted Order of the Star of India, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part and General Seafoods Corporation, a body corporate constituted under the laws of the Commonwealth of Massachusetts in the United States of America (hereinafter called "the Company") of the other part, dated the 28th day of November, A.D. 1939, and forming the Schedule to this Act, is hereby approved, confirmed, and adopted, and all and singular the several clauses and provisions thereof are hereby declared to be valid and binding upon the said parties thereto and each of them respectively and to have the force and effect of law, and all and singular the several acts, matters, and things therein provided to be done or performed by or on the part of the parties respectively are hereby declared to be proper and lawful, and the parties and each of them shall have full power and authority from time to time to do and perform or omit

to do and perform all and singular the several acts, matters, and things in and by the said Agreement provided to be done or not to be done as the case may be in the manner and with the effect and under the conditions stipulated and provided in the said Agreement.

2. The rights and privileges conferred and the obligations and liabilities imposed upon the Company by this Act and by the Agreement forming the Schedule hereto, including the lease annexed to the said Agreement, shall be deemed to extend to any person, firm, or corporation to whom the Company's American fishing enterprise under the Agreement may be transferred or assigned as a whole: Provided however that the prior written consent of the Government to such assignment or transfer shall have been obtained; and provided further that the Company shall not be relieved of any of its liabilities under the said Agreement, including the said lease, by any such assignment or transfer.

Extension to
assignees.

3. (1) No import duty or other tax shall be assessed or collected upon the importation into Newfoundland by the Company of any of the following property necessary to the building, finishing, or fitting of the shore station referred to in the said Agreement pursuant to subclauses (2) and (6) of Clause 3 of the said Agreement, or to the erection of additional buildings or the installation of additional machinery and fixtures pursuant to subclauses (9) and (10) respectively of Clause 3 of the said Agreement (but not in substitution of new for old) namely, plans; specifications; drawings; building materials (except the following: lumber of all kinds and sizes produced in Newfoundland; wooden windows, doors, and fittings therefor, sashes, mouldings, stairs, and the like millwork obtainable in Newfoundland, in sizes, of qualities, and at prices satisfactory to the Com-

Duty concessions.

pany; nails; and paints); tools (except hand tools); furniture, fixtures, and machinery (including office furniture, fixtures, and machinery); and equipment.

- (2) The duty concessions in this section set forth shall continue for a period of twelve years only from the execution of the said Agreement unless after such twelve year period the Company shall continue the said shore station, in which case the said duty concessions shall continue for a further period of ten years if the conduct of the Company during the first period of twelve years shall have been reasonably satisfactory to the Government.

**Drawbacks
of duty.**

4. For the period of twenty-two years next following the completion of the said shore station pursuant to subclause (2) of Clause 3 of the said Agreement and notwithstanding any present or future law or regulation with respect to import duties and the drawback thereof, the Company shall, upon production of proof of exportation, be entitled to receive from the Government the drawback of 100 per cent. of the Newfoundland import duty paid upon all unglazed kraft paper, cardboard or corrugated paper containers, waxed and parchment papers, transparent cellulose wrapping papers, labels, strapping wire, excelsior packing, show cards, advertising material, and other packing materials shown by the Company to have been imported and used by the Company in the packing and exportation of marine products or by-products thereof or of food products (other than seafoods) of Newfoundland origin processed at the said shore station or on board any vessel of the Company comprised in the American fishing enterprise covered by the said Agreement.

Short title.

5. This Act may be cited as the General Seafoods Corporation Act, 1939.

THIS AGREEMENT made at St. John's in the Island of Newfoundland this 28th day of November, Anno Domini One thousand nine hundred and thirty-nine, BETWEEN His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight Commander of the Most Exalted Order of the Star of India, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies in Commission (hereinafter called "the Government") of the one part AND General Seafoods Corporation, a body corporate existing under the laws of the Commonwealth of Massachusetts in the United States of America (hereinafter called "the Company") of the other part.

WHEREAS by and under the Convention of October 20th, A.D. 1818 made between the United States of America and Great Britain certain rights were assured to the inhabitants of the United States of America in respect

of the fisheries upon certain parts of the coasts of Newfoundland and Labrador;

AND WHEREAS arrangements have been entered into between the Government and the Company with a view to the establishment on that part of the South West coast of Newfoundland between Ramea and La Poile, being part of the Treaty Coast created by the said Convention, of an American fishing enterprise, including a shore station, to be conducted by vessels of the United States of America, for the taking, processing, packaging, freezing, and/or the other preparation or preservation of marine products and by-products for sale in overseas markets, and also for the preparation and export of any foods (in addition to seafoods) of Newfoundland origin suitable to be handled by the enterprise;

AND WHEREAS the Government has agreed to provide certain lands, buildings, and other property, to lease the same to the Company, and to permit the lessee to purchase the same on certain terms and conditions;

AND WHEREAS the Government has agreed to grant to the Company certain rights and privileges;

NOW THEREFORE THESE PRESENTS WITNESS AS FOLLOWS:

1. In this Agreement:

- (1) The expression "plant" means the buildings for housing machinery for the preparation, packaging, freezing, and storing of marine products and also foods other than seafoods, including the necessary shops (carpenter, machine, and the like), offices, locker rooms, store-rooms, a bait freezing chamber, and, in addition, a dock or pier where vessels drawing up to 30 feet may lie at all states of the tide, the

said buildings to be equipped with water supply, plumbing, sewage disposal facilities, heating equipment, electric wiring, and electric power equipment.

- (2) The expression "shore station" means, except where the context otherwise requires, the land and plant to be demised by the Government to the Company as provided in clause 4 hereof, as equipped with the necessary facilities, machinery, tools, equipment, and furnishings for receiving, warehousing, preparing and packing, freezing, and shipping marine products and also foods other than seafoods, and with the necessary shop (carpenter, machine, and the like), laboratory, storerooms, and office facilities, machinery, tools, equipment, and furnishings.
- (3) The expression "marine products" means fish, lobsters, scallops, and, without limitation by reference, all other kinds of sea life; and, unless the context otherwise requires, it means the weight thereof (except in the case of scallops or other shellfish) as they come from the sea, whether or not they are brought to the shore station in a partly dressed state. In the case of scallops or other shellfish it means the weight of the meat without the shell.
- (4) All sums of money, except where otherwise expressly stated, mean lawful money of Newfoundland.
- (5) The expression "process" and its variations as applied to marine products means prepared and preserved for human consumption by advancing further than evisceration, cleaning, and beheading, in the case of fish, and further

than the removal of the shell, in the case of shell fish.

2. The Company shall, within 60 days after the execution of this Agreement by the Government and subject to the approval of the Government, choose a site on that part of the South West coast of Newfoundland between Ramea and La Poile, both included, being a part of the Treaty Coast, either from Crown lands or from lands the title to which is satisfactory to the Government and the Company and which can readily be acquired by the Government, and such site shall be acquired promptly thereafter by the Government for lease to the Company as provided in clause 4 hereof: Provided, however, that, if it shall appear to the Government that the acquisition of any particular selected site would be too costly or for any reason impracticable, the Government may withdraw its approval and require the Company, within the period of 90 days next following, to make a further selection, and so again until a suitable site shall have been agreed upon and acquired, but the Government's said approval shall neither be unreasonably withheld nor unreasonably withdrawn.

3. (1) The Company shall, at its expense, within 60 days after the shore station site shall have been acquired by the Government as provided in clause 2 hereof, submit to the Government a survey and plan of the shore station, including the plant, with complete plans, specifications, estimates, and quantities necessary and suitable for the erection of the plant upon the site, all of which shall be subject to the approval of the Government, but the said approval shall not be unreasonably withheld or delayed.

(2) The Company shall, within one year after the Government shall have granted its final ap-

proval pursuant to subclause (1) of this clause 3 of the plans and specifications therein mentioned, at the Company's cost in all respects and in a substantial manner and with suitable materials and in compliance with any statutory regulations applicable thereto and in accordance with the said plans and specifications so approved by the Government, build and finish the shore station and fit the same for immediate occupation and use for the purposes for which it is intended: Provided, however, that, if the Company shall be prevented from finishing the work through labour disputes or other causes (except lack of finance) beyond the control of the Company, it shall be allowed such reasonable extension of time as may be necessary.

- (3) The Government agrees that the Company may employ a sub-contractor for the work, upon the condition, however, that such sub-contractor and all other contractors or builders employed for the work shall be subject to the approval of the Government (which shall not be unreasonably withheld) before such hiring and, except the principal sub-contractor, shall be persons, firms, or corporations carrying on business and resident in Newfoundland, if such are available on terms reasonably comparable with those demanded by others.
- (4) The Company shall, at least from the time when the plant shall have been roofed in and thenceforward until the execution of the lease provided for in clause 4 hereof, insure and keep insured the plant, in the name of the Government and the Company as their interests shall appear, against loss or damage

from fire, to the full insurable value thereof with some insurance office or underwriters approved by the Government, the Government's approval of any such insurance office or underwriters proposed hereunder by the Company not to be unreasonably withheld.

- (5) Until the completion of the shore station pursuant to subclause (2) of this clause 3, the Government shall have the right, by a duly qualified engineer appointed on the Government's behalf and approved by the Company (hereinafter called "the Surveyor"), to enter upon the site at all reasonable times to view the state and progress of the work, to inspect and test the materials and workmanship being used, and for any other reasonable purpose.
- (6) The Company agrees that the plant, when completed pursuant to subclause (2) of this clause 3, shall have sufficient floor and cubic capacity to accommodate freezers and other equipment adequate to the processing annually of 30,000,000 pounds of marine products for human consumption, and that the shore station shall at that time be equipped with freezers and other equipment sufficient to enable it so to process annually not less than 10,000,000 pounds of marine products.
- (7) To reimburse the Company for its expenditures for materials, supplies, machinery, and fixtures (duty, if paid thereon, to be taken as part of cost), labour, and engineering supervision for building the plant, the Government shall pay to the Company the actual amount expended by the Company: Provided, however, that the Government shall notify the Company of any sum expended by the Government pur-

suant to clause 2 hereof, in the acquisition of the site, and the total amount to be paid by the Government to the Company under this subclause (7) shall not, in any event, exceed the amount remaining after deducting from \$200,000.00 the cost to the Government as notified hereunder of acquisition of the site. All costs in excess of the maximum sum payable as provided in this subclause (7) shall be borne by the Company. Expenditures by the Company reimbursable hereunder shall include reasonable costs of supervision of the work, but only to the extent that such costs shall have been out of pocket, and shall not include any profit to the Company or to any subsidiary thereof.

(8) Payment shall be made by the Government to the Company as follows:

- (a) At the end of each period of 60 days during the progress of the work, the Government, by its Surveyor, shall estimate the value of the work actually done and materials used in the construction of the work during the said period or since the last payment and, upon the Surveyor being reasonably satisfied that debts and claims against the Company in respect of the work and materials have been satisfied and that the value of the said work and materials amounts to not less than \$50,000.00, he shall grant to the Company a certificate declaring such value. Two weeks after such certificate shall have been presented by the Company to the Government, it shall pay the Company a sum equal to 60 per cent. of such value.

- (b) Upon completion of the work, if the completion shall have been in substantial conformity to and compliance with the approved plans and specifications referred to in subclause (1) of this clause 3, the Government shall, by the Surveyor, issue to the Company a certificate of completion, upon receipt of which the Company shall be entitled to receive immediately from the Government such sum as, together with all amounts previously paid under this subclause (8), will constitute the balance due.
- (9) The Company shall have the right, at its expense, to erect on the shore station site buildings and structures over and above the plant, and all such buildings and structures not removed by the Company upon the expiration or other termination of the term of any lease granted pursuant to clause 4 hereof shall be part of the reversion thereof, it being understood and agreed that the Company may (upon such expiration or termination or in the event that the said lease shall not be granted) remove all portable houses, oil tanks, wireless aerials, wire fences, removable signs, flag poles, and, without limitation by reference, all other additional buildings or structures so erected which may be removed without substantial injury either to the realty or to the plant or without destroying any building or structure so removed.
- (10) The Company shall have the right, at its expense, to install and operate as part of the shore station such additional machinery and facilities as it may deem advisable for the proper conduct of the enterprise, including,

without limitation by reference, machinery and facilities for the manufacture of ice, for the manufacture of fish oil and/or fish meal, for smoking, pickling, salting, or otherwise preserving marine products, and for canning marine products and also foods other than seafoods, and it is agreed that the Company may (upon the expiration or other termination of the term of any lease granted pursuant to clause 4 hereof or in the event that such lease shall not be granted) remove all such machinery and facilities so installed: Provided such removal may be accomplished without substantial injury either to the realty or the plant or without destroying any machinery or facilities so removed.

4. As soon as the Company shall have been reimbursed to the full extent to which it may become entitled to receive reimbursement under clause 3 hereof, the Government, as landlord, and the Company, as tenant, shall forthwith enter into a written lease of the shore station for the term of 22 years next following such reimbursement, in the form annexed hereto, made part hereof, and marked Annex A, and the Government, as landlord, and the Company, as tenant, shall fully and faithfully observe and perform all the covenants and agreements contained in said lease and by them respectively to be performed.

5. (1) The Government agrees:

- (a) that no discriminatory law or regulation (whether special or general in form) for the control, restriction, regulation, or taxation of the Company or its property or business shall be enacted or enforced; and

- (b) that no export or import duty or any other tax (excepting only any export tax of general application on salt fish levied expressly for promoting the Newfoundland fishing industry), even though of general application, shall be assessed upon or collected from the Company in respect of marine products landed at the shore station, or in respect of such products and/or any by-products thereof (with or without packaging) shipped overseas from the shore station, or in respect of vessels, boats, and/or gear comprised in the American fishery to be established under this Agreement; and
- (c) that no present or future law or regulation, even though of general application, with respect to immigration into Newfoundland, shall be so enforced or construed as to prevent the employment by the Company at the shore station of a managerial and supervisory staff of other than Newfoundland citizens and residents, or the employment upon its vessels of such citizens of the United States of America as the laws thereof may require; and
- (d) (i) that no present or future law or regulation even though of general application shall be so enforced or construed as to exclude from trading between Newfoundland points vessels documented under the laws of the United States of America and owned, leased or chartered and operated by the Company so long as they carry coastwise no cargo except goods the property of the Company received on

board at or for delivery to a shore station of the Company and as long as the Company operates one or more shore stations in Newfoundland and is liable to taxation in Newfoundland;

- (ii) that no such law or regulation shall be so enforced or construed as to subject such vessels trading as in 5 (1) (d) (i) above or trading between Newfoundland and foreign ports to more onerous terms, conditions or taxation than those to which vessels operated in like manner may be subjected being of Newfoundland registry and operated by a person, firm or corporation of Newfoundland nationality so long as such vessels trading as aforesaid do not, except with the consent of the Government from time to time, carry from Newfoundland any cargo except goods the property of the Company received on board at a shore station of the Company.

- (2) Subject to the foregoing and to the provisions of clauses 6 and 7 hereof, it is agreed that all Newfoundland laws or regulations of general application, whether now or hereafter in force, shall apply to the Company.

6. No import duty or other tax shall be assessed or collected upon the importation into Newfoundland by the Company of any of the following personal property necessary to the building, finishing, or fitting of the shore station pursuant to subclauses (2) and (6) of clause 3 hereof, or to the erection of additional buildings and structures or the installation of additional machinery and fixtures pursuant to subclauses (9) and (10) respectively,

of said clause (but not in substitution of new for old), namely: plans; specifications; drawings; building materials (except the following: lumber of all kinds and sizes produced in Newfoundland; wooden windows, doors and casings therefor, sashes, mouldings, stairs, and the like millwork obtainable in Newfoundland in sizes, of qualities, and at prices satisfactory to the Company; nails; and paints); tools (except hand tools); furniture, fixtures, and machinery (including office furniture, fixtures and machinery); and equipment: Provided, however, that the duty concessions granted by this clause 6 shall continue for the term of this Agreement.

7. For the period of 22 years next following the completion of the shore station pursuant to subclause (2) of clause 3 hereof and notwithstanding any present or future law or regulation with respect to import duties and the drawback thereof, the Company shall, upon production of proof of exportation, be entitled to receive from the Government the drawback of 100 per cent. of the Newfoundland import duty paid upon all unglazed kraft paper, cardboard or corrugated paper containers, waxed and parchment papers, transparent cellulose wrapping papers, labels, strapping wire, excelsior packing, show cards, advertising material, and other packing materials shown by the Company to have been imported and used by the Company in the packing and exportation of marine products or by-products thereof or of food products (other than seafoods) of Newfoundland origin processed at the shore station or on board any vessel of the Company comprised in the American fishing enterprise covered by this Agreement.

8. For the period of three years next following the date of this Agreement, unless the Company shall have forfeited its rights hereunder at any earlier date, no Government moneys shall be expended in the assistance of any United States of America person, firm, or corporation (whether operating directly or operating indirectly

through another person, firm, or corporation) in financing the erection or operation of a plant, either afloat or ashore, for the handling, freezing, or processing of marine products for food purposes on that part of the South West coast of Newfoundland between Ramea and LaPoile, both included.

9. (1) The Government agrees that it will not, for the purpose of inducing or aiding the erection or operation of any shore station comparable in kind with the Company's shore station within a radius of 15 miles therefrom, and notwithstanding that the Company's shore station may be located at or within 15 miles east of LaPoile, give to any person, firm, or corporation:

(a) any financial assistance, or any concession of any kind, either of the general nature of those contained in clauses 6 and 7 hereof or otherwise, or

(b) any undertaking to restrict the Government's future freedom of action, either of the general nature of those contained in clause 5 hereof or otherwise.

(2) This clause 9 shall be in effect for the period of 22 years next following the commencement of the lease provided for in clause 4 hereof; but it shall not in any event apply to the port of Rose Blanche notwithstanding said port may be within the 15-mile radius above defined.

10. The Government agrees that the rights, privileges, and immunities enuring to the Company under clauses 5, 6, and 7 hereof by virtue of and with respect to the principal shore station covered by this Agreement shall also enure to the Company by virtue of and with respect to any one or more additional shore

stations which the Company, with the prior approval in writing of the Government in each instance; may purchase, lease, or otherwise acquire.

11. The lessee of the shore station (being the Company or its assignee, as the case may be) shall, during the term of the lease provided for in clause 4 hereof, keep at the shore station complete and accurate books and records sufficient to disclose all particulars necessary to show compliance with the provisions of this Agreement and of the lease provided for in clause 4 hereof, and such books and records shall be open to the inspection at all reasonable times of any officer of the Government authorized thereby to inspect the same, and he may take extracts therefrom. All information supplied under this clause 11 or taken by such officer shall be held confidential by the Government and no such information shall be disclosed by the Government, save insofar as it shall be necessary to disclose the same in order to enforce the obligations of the Company by legal action.

12. If the Company shall default in the performance of any of its undertakings herein set forth, the Government shall have the following remedies, which remedies, in the situations where they respectively apply, shall be exclusive:

- (1) If the Company shall default in the performance of its obligation under clause 4 hereof to enter into the lease therein provided for, the Government may give to the Company not less than 90 days' notice in writing of the Government's intention to terminate the term of this Agreement. On the date stated in said notice the term of this Agreement shall end, unless, prior to such date, the alleged default shall have been cured, in which case the term of this Agreement shall continue notwithstanding such alleged default;

but, notwithstanding any such termination, the Government shall be entitled to recover from the Company, as liquidated damages and not as a penalty, either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company pursuant to subclauses (7) and (8) of clause 3 hereof, whichever may be the less, less such sums, if any, as the Company shall theretofore have paid to the Government as rent.

- (2) If the Company shall default in the performance of any of its obligations under this Agreement not above covered in this clause 12, the Government may give to the Company not less than one year's notice in writing of the Government's intention to terminate the term of this Agreement, and in any such notice the Government shall specify the alleged defaults relied upon by it. On the date stated in said notice the term of this Agreement shall end, unless, prior to such date, all alleged defaults shall have been cured, in which case the term of this Agreement shall continue notwithstanding any such alleged default. Any such termination shall be without prejudice to any remedy of the Government, at law or in equity, with respect to any such default: Provided, however, that the aggregate amount of damages recoverable by the Government against the Company for the breach of this Agreement, whether in one or more actions, shall be either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company pursuant to subclauses (7) and (8) of clause 3 hereof, whichever may be the less, less such sums, if any, as the Company shall theretofore have paid to the Government as rent.

- (3) The maximum aggregate recovery of damages to which the Government shall, in any event, be entitled upon the breach of any or all of the obligations of the Company under this Agreement and/or under the lease to be executed pursuant to clause 4 hereof, whether recovered in one or more actions, shall be either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company pursuant to subclauses (7) and (8) of clause 3 hereof, whichever may be the less, less such sums, if any, as the Company shall theretofore have paid to the Government as rent.

13. The term of this Agreement shall be from the date hereof to and including December 31st, A.D. 1941, but if, prior to December 31st, A.D. 1941, the lease referred to in clause 4 hereof shall have been executed by the Government and by the Company, then the term of this Agreement shall be automatically extended for the period of 22 years next following the commencement of said lease: Provided—

- (1) that the exercise by the Company of its rights under subclauses (7) and (8) of clause 5 of such lease shall automatically terminate all obligations of the Government and the Company hereunder; and
- (2) that, notwithstanding the expiration of the period of 22 years next following the commencement of said lease, the obligations of the Government set forth in subclauses (1) (a), (1) (b) and (1) (c) of clause 5 hereof (but no other obligations of either party hereto) shall nevertheless continue so long as the Company shall operate in Newfoundland the American fishing enterprise covered by this Agreement, or for 22 years after such expiration, whichever period may be the shorter; and

- (3) that, notwithstanding any conveyance by the Government to the Company pursuant to subclause (9) (a) of clause 5 of said lease, the Company shall, for the full balance of the term of said lease, continue to be bound by the obligations contained in subclauses (1), (2), (3), (4), and (5) (c) of clause 5 of said lease, but by no other obligation in said lease contained.

14. Wherever notice by either party to the other is permitted or required hereunder, actual notice is meant, the same to be received, in the case of the Government, by the Attorney General in St. John's, and, in the case of the Company, by the president or any vice-president at their business address, which is now No. 250 Park Avenue, in the City, County, and State of New York, United States of America, or at such other address as may from time to time be notified by them to the Government.

15. The rights and privileges conferred and the obligations and liabilities imposed upon the Company in this Agreement shall be deemed to extend to any person, firm, or corporation to whom the Company's American fishing enterprise under this Agreement may be assigned or transferred as a whole: Provided, however, that the prior written consent of the Government to such assignment shall be required, and provided, further, that the Company shall be not relieved of any of its liabilities hereunder by any such assignment.

16. Nothing in this Agreement or in the said lease contained shall be deemed to constitute an official interpretation on the part of the Government of the terms of the said Convention of 1818, nor shall anything done by the Company in pursuance or purported pursuance of this Agreement or of the said lease with the express or tacit assent of or without interference by the Government be deemed to be a waiver by the Government of any of its rights under or its views as to the true interpretation of

the said Convention of 1818: Provided that this clause is not intended to be used nor shall it be used by the Government in derogation of any right granted to the Company by or under this Agreement or the said lease.

IN WITNESS WHEREOF His Excellency the Governor in Commission has caused the Great Seal of Newfoundland to be affixed hereto and has signed these presents and General Seafoods Corporation has caused these presents to be executed in accordance with its regulations as of the day and year first before written.

By His Excellency's Command,

(Sgd.) W. J. CAREW,
Secretary for Home Affairs.

The Common Seal of General Seafoods Corporation was hereunto affixed in the presence of:

(Sgd.) UDELL C. YOUNG,
Director.

(Sgd.) JOHN S. PRESCOTT,
Director.

ANNEX A

THIS LEASE made the.....
day of.....
A.D. 19.., BETWEEN His
Excellency
.....
in Commission (hereinafter
called "the Government"),
of the one part AND.....
.....
a body corporate under the
laws of the State of.....
.....
in the United States of
America(hereinafter called
"the Company", which ex-
pression is intended to in-
clude its successors in title
where the context so re-
quires or admits) of the
other part,

WITNESSETH as follows:

1. In this Lease:
- (1) All sums of money, except where otherwise ex-
pressly stated, mean lawful money of New-
foundland.
 - (2) The expression "marine products" means fish,
lobsters, scallops, and, without limitation by
reference, all other kinds of sea life; and, un-
less the context otherwise requires, it means
the weight thereof (except in the case of scal-
lops or other shellfish) as they come from the
sea, whether or not they are brought to the
shore station in a partly dressed state. In the
case of scallops or other shellfish it means the
weight of the meat without the shell.

- (3) The production or operating year, however described, referred to herein means the period from May 1st in any year to and including April 30th in the next succeeding year, and the first year of operations means the operating year commencing on the first day of May next following the execution of this Lease.
- (4) The expression "process" and its variations as applied to marine products means prepared and preserved for human consumption by advancing further than evisceration, cleaning, and beheading, in the case of fish, and further than the removal of the shell, in the case of shell fish.
- (5) The expression "plant" means the buildings for housing machinery for the preparation, packaging, freezing, and storing of marine products and also foods other than seafoods, including the necessary shops (carpenter, machine, and the like), offices, locker rooms, storerooms, a bait freezing chamber, and, in addition, a dock or pier where vessels drawing up to 30 feet may lie at all states of the tides the said buildings to be equipped with water supply, plumbing, sewage disposal facilities, heating equipment, electric wiring, and electric power equipment.
- (6) The expression "shore station" means, except where the context otherwise requires, the land and plant covered by this Lease, as equipped with the necessary facilities, machinery, tools, equipment, and furnishings for receiving, warehousing, preparing and packing, freezing, and shipping marine products and also foods other than seafoods, and with the necessary shop (carpenter, machine, and the like), laboratory,

storeroom, and office facilities, machinery, tools, equipment, and furnishings.

- (7) The expression "trawler" means a vessel of fifty registered tons or upwards propelled by steam or motor power and fishing by means of otter, or beam, or other dragging trawls.
- (8) The expression "the general agreement" means the agreement made between the Government and General Seafoods Corporation dated theday of.....A.D. 1939, to which the form of this Lease is an annex.

2. The Government hereby demises unto the Company all that piece or parcel of land situate at..... in the Island of Newfoundland and bounded as follows:

[Here insert description]

TOGETHER WITH all buildings and structures thereon, including the plant,

TO HOLD the said land and premises to the Company from the day of A.D. 19.., for the term of 22 years, YIELDING AND PAYING therefor unto the Government during the said term the rent following, namely, the rent of \$100.00 yearly for the first two years of the said term payable at the end of each of the said years, and the rent of [Here insert either \$10, 000.00 or five per cent. of the cost of the plant, whichever may be less] for the third and each succeeding year of the said term payable at the end of each of the said years.

3. The Company, for itself and its assigns, and to the intent that the obligations may continue throughout the term of this Lease, hereby covenants with the Government as follows:

- (1) To pay the reserved rents on the days and in manner aforesaid.

- (2) To defray all existing and future rates, taxes, assessments, and outgoings payable by law in respect of the premises either by the owner or by the occupier thereof.
- (3) To keep the demised premises (both outside and inside) and all improvements and additions thereto in good and tenantable repair and condition, fair and reasonable wear and tear excepted.
- (4) To keep the plant and all fixtures and fixed machinery and other apparatus comprising the shore station in good working order, repair, and condition (fair and reasonable wear and tear excepted); to replace by suitable articles of similar kind and equal value all such parts thereof as shall become broken, lost, or worn out; and to take upon itself and bear the entire responsibility of the care, control, and management of the shore station.
- (5) Not to alter, take down, or remove any of the main walls, fixed machinery, fixtures, partitions, or other parts of the plant, without the previous consent in writing of the Government.
- (6) Not to commit or suffer to be committed any waste, spoil, or destruction in or upon the demised premises or any part thereof.
- (7) To permit the Government by its agents or surveyors, either alone or with workmen or others, at all reasonable times in the daytime to enter upon the demised premises or any part or parts thereof, for the purpose of viewing and examining the state and condition thereof and also of the machinery, fixtures, and apparatus in, upon, or about the same or for the purpose of taking an inventory of the same and, upon

not less than 30 days' written notice given to the Company by the Government, to repair the premises or replace any articles, in accordance with the foregoing covenants.

- (8) Not to use the shore station for any purpose which shall constitute a public or private nuisance, but to occupy and use the shore station only for the purposes stated in the second recital of the general agreement.
- (9) To use, manage, and work the plant, including the machinery therein comprised, in a proper, workmanlike, and customary manner and so that there shall be no undue or improper running down or wear and tear of the said machinery.
- (10) To insure and keep insured the plant in the name of the Government and the Company, as their interests may appear, against loss or damage from fire, to the full insurable value thereof, with some insurance office or underwriters approved by the Government (the Government's approval of any such insurance office or underwriters proposed hereunder by the Company, however, not to be unreasonably withheld), and to make all payments required for the purpose as and when the same shall become due, and, when required by the Government, to deliver it to the policy or policies of such insurance and the receipt for each payment; and, if the Company shall fail, after not less than 30 days' written notice to the Company, to perform any of its obligations under this subclause (10) and if the Government shall thereupon insure the plant or any part thereof, upon not less than 30 days' written notice to reimburse the Government for all payments made by it for that purpose and to

pay interest at the rate of six per cent. per annum from the date of demand until repayment on any moneys not repaid on demand as aforesaid.

- (11) Not to do or permit to be done anything whereby the policy or policies of insurance on the plant against damage by fire for the time being subsisting may become void or voidable.
- (12) Not to assign, underlet, or part with the possession of the demised premises or any part thereof without the written consent of the Government.
- (13) To allow the Government by its agents, at any time or times during the last 12 months of the term hereof, or at any time or times after the giving by the Company of the notices referred to in subclauses (7) and (8) respectively of clause 5 hereof or after any of the events specified in subclause (10) (a) of said clause shall have occurred, to enter upon the demised premises or any part thereof accompanied by, and in order to show the same to, any person who shall express a desire to become a purchaser or a tenant thereof.
- (14) To yield up the demised premises, together with the plant and the additional buildings and structures thereof (except the additional buildings and structures agreed in subclause (1) (c) of clause 5 hereof to be removable), at the end of the tenancy, in good and tenantable repair and condition, fair and reasonable wear and tear excepted; it being understood, however, that there shall not be included in the reversion the tools, furniture, movable freezing and other equipment, vessels, boats, and gear owned by the Company, or the additional ma-

chinery and facilities covered by subclause (1) (d) of clause 5 hereof, but that, subject always to the provisions of subclause (1) (a) of clause 5 hereof, the same may be removed from the shore station at any time, either during the term of this Lease or upon any termination thereof.

4. The Government hereby covenants with the Company that the Company, paying the rents hereby reserved and observing and performing the several covenants and agreements on its part herein contained, shall peaceably hold and enjoy the demised premises during the term hereby created, without any interruption by the Government or any person rightfully claiming through, under, or in trust for the Government.

5. PROVIDED ALWAYS, and it is hereby expressly agreed as follows:

(1) With respect to the increasing of the production facilities of the shore station, the building of additional structures and the installation of additional facilities therein, and the operation thereof:

(a) That the shore station, by the beginning of the second year of operation, shall be equipped by the Company, at its expense, to process annually not less than 15,000,000 pounds of marine products, and by the beginning of the third year of operations not less than 20,000,000 pounds of marine products;

(b) That, after completion pursuant to subclauses (2) and (6) of clause 3 of the general agreement, the shore station shall be operated substantially continuously and, during the third and each subsequent

year of operations, shall process not less than 15,000,000 pounds of marine products;

- (c) That the Company shall have the right, at its expense, to erect on the shore station site buildings and structures over and above the plant, and that all such buildings and structures not removed by the Company upon the expiration or other termination of the term hereof shall be part of the reversion, it being understood and agreed that the Company may remove all portable houses, oil tanks, wireless aërials, wire fences, removable signs, flag poles, and, without limitation by reference, all other additional buildings or structures so erected which may be removed without substantial injury either to the realty or to the plant or without destroying any building or structure so removed;
- (d) That the Company shall have the right, at its expense, to install and operate as part of the shore station, such additional machinery and facilities as it may deem advisable for the proper use of the shore station, including, without limitation by reference, machinery and facilities for the manufacture of ice, for the manufacture of fish oil and/or fish meal, for smoking, pickling, salting, or otherwise preserving marine products, and for canning marine products and also foods other than seafoods; that, as soon as it appears commercially practicable to do so, the Company shall install and operate as part of the shore station adequate machinery and facilities for manufacturing into fish meal and/or other useful products the offal

and waste resulting from the processing of marine products at the shore station, and that all such machinery and facilities so installed by the Company may be removed at the expiration or other termination of the term of this Lease: Provided the removal may be accomplished without substantial injury either to the realty or the plant or without destroying any machinery or facilities so removed;

(2) With respect to the conduct of the fishing operations:

(a) That the Company shall have the right to operate its trawlers out of the principal shore station or out of any auxiliary or additional shore station; but, if the Government shall so require from time to time by not less than 60 days' written notice to the Company in each instance, its trawlers shall either: (i) not be operated within 25 marine miles of the Treaty Coast of Newfoundland or within three marine miles of any other portion of the Newfoundland coast, or (ii) be there operated only upon such terms and conditions as shall be stated in such notice;

(b) That the Company shall acquire, either by the takings of fishermen employed by it or by purchase from Newfoundland fishermen, fishing vessels, or fish dealers, or by both, in each year of operation, a quantity of marine products equivalent in weight to the quantity of marine products landed at its shore stations by the Company's trawlers (such quantity of marine products being hereinafter referred to as "the non-trawler

quota"). The non-trawler quota shall be marine products: (i) taken from the sea otherwise than by trawler; (ii) other than salmon, lobsters, scallops, crabs, squid, or caplin; and (iii) other than herring, except that herring taken for food purposes may be included in any non-trawler quota exceeding 10,000,000 pounds, but only to the extent of not more than 10 per cent. of the excess of such quota over 10,000,000 pounds. During the period preceding the first year of operations, the Company shall, if it is reasonably possible to do so, conform to the non-trawler quota;

- (c) That the Company shall apply for all necessary licenses under the so-called "Bait Acts" (Chapter 156 of the Consolidated Statutes of Newfoundland, Third Series, as amended) to enable it to take bait fishes, freeze bait, and sell the same to fishermen. Subject to the granting of the necessary licenses and to the provisions of the said Bait Acts, the Company shall maintain at the shore station or elsewhere adequate supplies of frozen bait and ice for the fishermen employed by it, and, where bait supplies above its requirements are available, it shall sell bait to other Newfoundland fishermen, and all bait and ice sold to Newfoundland fishermen by the Company shall be so sold at reasonable prices;
- (d) That no codfish, haddock, or like fish, split, salted, and wet or dry cured in Newfoundland by the Company shall, unless the Government shall in writing so permit, be marketed by the Company elsewhere than in the continental United States of America.

(3) With respect to the employment of Newfoundland citizens at the shore stations and in the boats and vessels of the Company:

(a) That, to the extent that the same are reasonably available, only Newfoundland citizens resident at the time in Newfoundland shall be employed in the Company's shore stations, with the exception of the managerial and supervisory staffs thereof;

(b) That, to the extent that the same are reasonably available, only Newfoundland citizens resident at the time in Newfoundland shall be employed by the Company in its boats or vessels engaged in fishing out of Newfoundland or in carrying merchandise from Newfoundland to the United States of America or elsewhere, with the exception of such officers or members of the crews as may be required by the laws of the country of registry to be citizens thereof;

(c) That the Company shall at all times pay fair wages to all persons employed by it in the operation of the American fishing enterprise covered by this Lease and the general agreement and, in particular, that the wage rates of such employees shall be not less favourable than those generally paid in Newfoundland in similar employments; that fishermen employed (with or without their boats and gear) by the Company shall be guaranteed a minimum daily wage and shall be paid in addition a bonus based upon their production; and that both shore station employees and fishermen employees shall be entitled, to the same extent as is the case with fishermen and

shore employees employed by said General Seafoods Corporation at its shore station in Boston in the Commonwealth of Massachusetts and United States of America, to the benefits of the industrial relations policy set forth in the publication entitled "Employe Relations in General Foods", published the 19th day of April, A.D. 1937 (a copy of which has been deposited with the Government), as in effect on the date hereof or as may be from time to time hereafter amended;

- (d) That the Company shall pay its employees in Newfoundland currency or by cheque encashable at the shore station where payment shall have been made, at par on demand during business hours, and that no deductions shall be made from wages, except upon the employee's written order or as may be required by law.
- (4) With respect to the purchase of marine products from Newfoundland fishermen, fishing vessels, or fish dealers, the Company shall at all times pay fair prices; payment therefor shall be made in Newfoundland currency or, where the purchase is made at a shore station, in such currency or by cheque encashable at such shore station at par on demand during business hours; and no deductions shall be made therefrom, except upon the written order of the payee or as may be required by law.
- (5) With respect to the handling of salmon and blueberries by the Company:
 - (a) That blueberries shall not be quick frozen at any of the Company's shore stations or otherwise there prepared for marketing,

except such as shall have grown on the South West coast of Newfoundland between Port aux Basques and St. Jacques, and that the Company shall pay to the Government with respect to all blueberries shipped by it from Newfoundland an agreed charge of 10 cents per 100 pounds net weight thereof;

- (b) That the Company shall pay to the Government, with respect to salmon shipped by the Company from Newfoundland, an agreed charge of 10 cents per 100 pounds net weight thereof;
- (c) That, for the first three production years, the Company's export of round or dressed salmon shall be limited to 500,000 pounds net weight per year, this being considered as the Company's quota out of a gross export of 4,220,000 pounds per year: Provided always that, if the Government shall impose at any time or from time to time a maximum annual limit upon the aggregate export of salmon from Newfoundland, the Company's quota after the third production year shall be fixed annually by the Government and shall decrease not more than, or increase not less than, the proportion by which such maximum annual limit is less than or more than 4,220,000 pounds, and that, if a maximum annual limit shall not be imposed within the first three years, then, unless and until any such limit shall be imposed, the Company's quota shall be fixed annually by the Government at not less than one-eighth of the average total export for the three preceding production years.

- (6) If the plant or any part thereof shall at any time during the term hereof be destroyed or damaged by fire or other casualty and the Company shall rebuild and restore the same, all insurance moneys received by the Government because of such destruction or damage shall be applied, so far as the same may extend, in reimbursing the Company for expenditures made by it in making good the loss or damage in respect of which the said insurance moneys shall have been received.
- (7) If the Company shall desire to terminate the term of this Lease at the expiration of the 12th or any subsequent year of the term hereof, it shall have the right to do so by giving to the Government not less than six months' prior notice in writing to that effect, without prejudice, however, to the rights of either party against the other for any prior breach of this Lease.
- (8) If the Company shall desire to terminate the term of this Lease upon any date prior to the expiration of the 12th year of the term hereof, it shall have the right to do so by giving to the Government not less than one year's notice in writing to that effect and by paying to the Government, at or before the expiration of such notice, such sum as shall, together with the rent previously paid hereunder, amount in the aggregate to either the sum of \$100,000.00 or to one-half of the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less: Provided, however, that such termination shall be without prejudice to the rights of either party against the other for any prior breach of this Lease.

- (9) Subject to the following the Government shall, by deed containing a covenant against the intervening acts of the Government, convey to the Company the entire title to the demised premises which the Government may have and/or shall have acquired in pursuance of clause 2 of the general agreement, and any conveyance under this subclause (9) shall be without prejudice to the rights of either party against the other for any prior breach of this Lease:
- (a) Said conveyance shall be so made at or before the expiration of not less than 90 days' written notice by the Company to the Government requesting said conveyance, accompanied by payment to the Government of either the sum of \$200,000.00 or the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less, less such sums as the Company shall have paid to the Government as rent hereunder, but, notwithstanding any such conveyance pursuant to this paragraph (a), the Company shall, for the full balance of the term of this Lease, continue to be bound by, but only by, the obligations contained in subclauses (1), (2), (3), (4) and (5) (c) of this clause 5; or
- (b) Said conveyance shall be so made promptly after the expiration of the term of this Lease, but only if the Company shall have duly paid the rent reserved herein.
- (10) With respect to defaults by the Company in the performance of the covenants and agree-

ments herein set forth and to be performed on its part, the Government shall have the following remedies, which remedies, in the several situations where they respectively apply, shall be exclusive:

- (a) If any rent due hereunder shall at any time be unpaid for 60 days after notice, or if the Company shall abandon the demised premises or shall become bankrupt or make any assignment for the benefit of its creditors or enter into any agreement or make any arrangement with creditors for the liquidation of its debts, then, in any of the said events, it shall be lawful for the Government to re-enter upon the demised premises or any part thereof in the name of the whole; but, notwithstanding any such reentry, the Government shall be entitled to recover from the Company, as liquidated damages and not as a penalty, either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less, less such sums as the Company shall theretofore have paid to the Government as rent under this Lease;
- (b) If the Company shall default in the performance of its obligations under subclauses (1) (b) or (2) (b) of this clause 5, the Government may give to the Company notice in writing of the Government's intention to terminate the term of this Lease, and in any such notice the Government shall state a time (which shall be not less than six months after the date of said

notice) and a place (which shall be in St. John's in the Island of Newfoundland) for the presentation of evidence by the Company that the alleged default was caused by act of God, force majeure, or conditions (other than lack of finance) over which the Company had no control, such conditions including, without limitation by reference, the lack of available supplies of marine products of suitable quality and quantity and such a situation in the markets of the Company as to have made it impossible, without serious loss, to market a sufficient quantity of marine products to comply with said obligations. If such evidence shall be presented by the Company, the same shall be duly considered by the Government, and, if such evidence shall reasonably establish that said default was occasioned by any of the causes above mentioned, then the term of this Lease shall continue notwithstanding such alleged default, otherwise the Government shall have the right forthwith to terminate the term hereof and to re-enter upon the demised premises or any part thereof in in the name of the whole; but, notwithstanding any such re-entry, the Government shall be entitled to recover from the Company, as liquidated damages and not as a penalty, either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less, less such sums as the Company shall theretofore have paid to the Government as rent under this Lease;

- (c) If the Company shall default in the performance of its obligations under any of the covenants or agreements of this Lease not above covered in this subclause (10), the Government may give to the Company not less than one year's notice in writing of the Government's intention to terminate the term of this Lease, and in any such notice the Government shall specify the alleged defaults relied upon by it. On the date stated in said notice the term of this Lease shall end, unless, prior to such date, all alleged defaults shall have been cured, in which case the term of this Lease shall continue notwithstanding any such alleged default. Such termination shall be without prejudice to any remedy of the Government, at law or in equity, with respect to any such default: Provided, however, that the aggregate amount of damages recoverable by the Government against the Company for the breach of the covenants and agreements herein contained, whether in one or more actions, shall be either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less, less such sums as the Company shall theretofore have paid to the Government as rent under this Lease. The alleged defaults mentioned in this paragraph (c) may be cured in any reasonable manner, as by the making of payments or the doing of other acts notwithstanding the time stated therefor may have expired, or, in the case of a pro-

hibited subletting, by procuring the cancellation of the sub-lease, or, as a further example and without limitation by reference, by discontinuing any prohibited practice or adhering to any required practice;

- (d) The maximum recovery of damages to which the Government shall, in any event, be entitled upon the breach of any or all of the obligations of the Company under this Lease and/or of said General Seafoods Corporation under the general agreement, whether recovered in one or more actions, shall be either the sum of \$100,000.00 or one-half of the sum paid by the Government to the Company or to said General Seafoods Corporation pursuant to subclauses (7) and (8) of clause 3 of the general agreement, whichever may be the less, less such sums as the Company shall theretofore have paid to the Government as rent under this Lease.
- (11) Any termination of the term hereof by reason of any default by the Company shall give to the Government the option to terminate forthwith the term of the general agreement, and any termination of the term hereof by reason of any default by the Government shall give to the Company the like option.
- (12) Wherever notice by either party to the other is permitted or required hereunder, actual notice is meant, the same to be received, in the case of the Government, by the Attorney General in St. John's, and, in the case of the Company, by the president or any vice-president at their business address, which is now No. 250 Park Avenue, in the City, County,

and State of New York, United States of America, or at such other address as may from time to time be notified by them to the Government.

- (13) The rights and privileges conferred and the obligations and liabilities imposed upon the Company in this Lease shall be deemed to extend to any person, firm, or corporation to whom the Company's American fishing enterprise under this Lease and the general agreement may be assigned or transferred as a whole: Provided, however, that the prior written consent of the Government to such assignment shall be obtained.

IN WITNESS WHEREOF His Excellency the.....in Commission has caused the Great Seal of Newfoundland to be affixed hereto and has signed these presents and..... has caused these presents to be executed in accordance with its regulations as of the day and year first before written.

By His Excellency's Command,

(Sgd.).....
Commissioner for Home Affairs
and Education.

The Common Seal of
.....
was hereunto affixed in the
presence of:

.....Director
.....Director

AN ACT FURTHER TO AMEND THE REVENUE
ACT, 1939.

[29th December, 1939]

SECTION

- 1.—Amdt. Sec. 3 (1) of Revenue Act, 1939.
- 2.—Amdt. Sec. 36 of Revenue Act, 1939.
- 3.—Limitation as to drawback.
- 4.—Repeal of Sec. 37 of Revenue Act, 1939.
- 5.—Amdt. Sec. 38 of Revenue Act, 1939.
- 6.—Registrations of shipping boats to stand good.

SECTION

- 7.—Registration of railway trolleys.
 - 8.—Amdt. Sec. 6 of Act No. 17 of 1939.
 - 9.—Tariff amendment.
 - 10.—Tariff amendment.
 - 11.—Tariff amendment.
 - 12.—Amdts. Schedule A of Revenue Act, 1939.
 - 13.—Date of coming into operation.
- Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. Subsection (1) of Section 3 of the Revenue Act, Amdt. Sec. 1939, is hereby amended as follows:
- 3 (1) of
Revenue Act,
1939.

(a) By striking out paragraph (d) thereof and substituting therefor the following:

(d) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to:—

Coffee, green, roasted or ground;
Cocoanut, desiccated, sweetened or not;
Tea;
Vegetables, raw, viz: Tomatoes;
Angostura Bitters;
Asphalt, Asphaltum and like preparations;

the growth, produce or manufacture
of any of the non-self-governing Colonies

and Protectorates or of the Mandated Territory of 'Tanganyika, the Cameroons

under British mandate, or Togoland under British mandate;

and to:—

Bladders, casings and sausage skins;

the growth, produce or manufacture of the Union of South Africa and the Mandated Territory of South West Africa.

and to:—

Butter;
Canned Fruits;

the growth, produce or manufacture of the Commonwealth of Australia.

(b) By adding thereto as paragraph (e) the following:

(e) The rates of Customs duties, if any, set forth in the column headed "Preferential" shall apply to:—

Jams and jellies of fruit, and preserves,
N.E.S.;
Marmalade;

the growth, produce or manufacture of the Union of South Africa and the Mandated Territory of South West Africa.

Amdt. Sec. 36
of Revenue
Act, 1939.

2. Section 36 of the said Act is hereby amended by adding at the end thereof the words "before the 15th day of November, 1939".

3. The drawback or rebate upon gasolene authorized under the said Act shall be paid only in respect of gasolene upon which duty was paid on importation under the provisions of Tariff Items 225 and 226; and this section shall have effect as if it had appeared in the said Act at the time of its passing.

Limitation as to drawback.

4. Section 37 of the said Act is hereby repealed.

Repeal of Sec. 37 of Revenue Act, 1939.

5. Section 38 of the said Act is hereby amended by striking out the words "or within such longer period preceding that date as the Board may in any special case allow" and substituting therefor the words "and before the 15th day of November, 1939".

Amdt. Sec. 38 of Revenue Act, 1939.

6. Registrations of fishing boats under Section 37 of the Revenue Act, 1939, hereby repealed, shall be deemed to stand good for the purposes of Section 5 (1) of the Act No. 17 of 1939, entitled "An Act to amend the Revenue Act, 1939", notwithstanding the repeal of the said Section 37.

Registrations of fishing boats to stand good.

7. Section 5 of the said Act No. 17 of 1939 is hereby amended by adding thereto as subsection (3) the following:—

Registration of railway trolleys.

- (3) The owner or user of any railway trolley utilising gasolene and intended for running on the fixed rails of a railway system and to be used solely in connection with the maintenance of the railway permanent way, may, for the purpose of obtaining a permit to purchase, use or possess motor fuel of the said kind, register such vehicle with the Board of Customs without charge in the manner prescribed in subsection (2) of this section.

Amdt.
Sec. 6 of
Act No. 17 of
1939.

8. Section 6 of the said Act No. 17 of 1939, is hereby amended by striking out the words "any premises, vessel, boat, or tractor" in subsection (1) thereof and substituting the words "any premises, vessel, boat, tractor or railway trolley".

Tariff
amendment.

9. Tariff Item 357 in Schedule A of the Revenue Act, 1939, as amended by the Act No. 26 of 1939, entitled "An Act further to Amend the Revenue Act, 1939", is hereby further amended by striking out the figures "60%" in the column headed "Preferential" and substituting therefor the figures "50%"; and this amendment shall be deemed to have had effect from midnight on the 3rd day of July, 1939.

Tariff
amendment.

10. Tariff Item D1330b in Schedule B of the Revenue Act, 1939, as heretofore amended by the said Act No. 17 of 1939 is hereby deleted and the following substituted therefor:—

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
D1330b	Gasolene and motor spirit, N.E.S., imported under the provisions of Tariff Items 225 and 226.	used on board a registered fishing boat prior to 15th November, 1939, and in compliance with Section 38 of this Act.	100% of the net duty paid.

Tariff
amendment.

11. Tariff Item E1401a added to Schedule C of the Revenue Act, 1939, by the said Act No. 26 of 1939 is hereby amended by striking out the words "containing less three per cent or more of alcohol by volume" and substituting therefor the words "containing less than three per cent. of alcohol by volume"; and this amendment shall be deemed to have had effect from midnight on the 3rd day of July, 1939.

12. Schedule A of the Revenue Act, 1939, as heretofore amended is hereby further amended as appears in the Schedule to this Act.

Amdts.
Schedule A of
Revenue Act,
1939.

13. (1) The amendments shown in the said Schedule to this Act shall be deemed to have effect as follows:—

Date of coming
into operation.

(a) Item No. 57 as from midnight on the 25th day of November, 1939.

(b) Items Nos. 58 and 83 as from midnight on the 13th day of December, 1939.

(c) Item No. 598 as from midnight on the 20th day of November, 1939.

(2) Paragraph (e) of subsection (1) of Section 3 of the Revenue Act 1939, added to the said Act by this Act, shall be deemed to have effect as from midnight on the 25th day of November, 1939.

SCHEDULE

Schedule.

The several items set forth in this Schedule are substituted for the items in Schedule A to the Revenue Act, 1939, as heretofore amended, bearing corresponding numbers.

Item No.	Class or Description of Goods.		Rates of Duty		
			Full	Inter-mediate.	Preferential.
57	Bladders, casings and sausage skins	ad val.	12%	12%	7%
58	Butter, N.E.S.	per lb.	8%	8%	7%
83	Fruit, canned, bottled or otherwise preserved, N.E.S., including ginger in syrup	ad val.	40%	40%	30%
598	Matches of all kinds, (each box containing fifty matches)	per gross of boxes	\$1.00	\$1.00	\$0.90

AN ACT RELATING TO THE ANGLO-NEWFOUND-
LAND DEVELOPMENT COMPANY, LIMITED.

[29th December, 1939]

SECTION

- 1.—Materials for original in-
stallation and extension.
- 2.—Materials for renewals,
replacements and repairs.
- 3.—Goods not exempted.
- 4.—Certain articles duty free.

SECTION

- 5.—Duty on coal.
- 6.—No discriminatory taxes.
- 7.—Definition.
- 8.—Time of coming into
effect.
- 9.—Short title.

WHEREAS it is desirable to encourage the develop-
ment of the manufacture of sulphite pulp for export and
to increase the manufacture of paper in this country;

AND WHEREAS in order to accomplish these objects
it is desirable that the liability of the Anglo-Newfound-
land Development Company, Limited, (in this Act referred
to as "the Company") to pay certain import duties and
taxes should be revised.

Be it, therefore, enacted by the Governor, by and with the
advice of the Commission of Government, as follows: A.D. 1939.

1. All materials, articles and things imported by the Company required from time to time for construction, installation and equipping of the Company's water power, hydro-electric, electrical, ground wood-pulp, chemical pulp, cellulose, paper and barking mills, buildings, plants and works and all buildings and plants incidental thereto, wharves, docks, quays, piers, lights and buoys, warehouses, woods and logging operations, fire protection, transmission lines, railways, roads and towns (including all houses, buildings and structures, hospitals and laboratories erected by or for the Company on any townsite

Materials for
original
installation
and extension.

or protective area around it owned or controlled by it, sewerage, water, heating and lighting systems, and any other public amenities or utilities which may be provided by the Company) vessels, boats, mechanical transport for goods, aircraft, and telegraph and telephone equipment all for the Company's own operations for original installation or for additions or extensions but not in substitution for old shall until the 2nd day of August, 1952, be admitted into Newfoundland free of duties and taxes, subject however to any prohibition of general application against the importation of any articles and except as provided in Section 3 of this Act.

Materials for
renewals,
replacements
and repairs.

2. On materials, articles and things imported by the Company and required for renewals or replacements of or repairs to or for use in substitution for materials, articles and things which either were imported free of duty by the Company or would have been free of duty had Section 1 of this Act been in force at the time that the said materials, articles and things were imported or of or to or for materials, articles and things previously imported for renewals or replacements of or repairs to or for use in substitution for materials, articles or things which either were imported free of duty by the Company or would have been free of duty had Section 1 of this Act been in force at the time that the said materials, articles and things were imported (including materials, articles and things required for or in connection with carrying out or effecting such renewals, replacements, repairs or substitution) the Company shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland provided that until the 2nd day of August, 1967, such import duties and taxes taken together shall not exceed 35 per centum of the value of the material, article or thing in question.

3. No exemption in or to which are applicable the Goods not provisions of the foregoing Sections 1 and 2 shall apply^{exempted.} to, and the Company shall pay such import duties and taxes of general application (if any) as shall be in force from time to time under the general laws of Newfoundland on the following:

- (a) Food, clothing, dry goods and hand-tools.
- (b) Moveable articles of household and office furniture and equipment and camp utensils, including stoves other than furnaces.
- (c) Articles and goods intended by the importer for the personal and private ownership of individuals.
- (d) Lumber of sizes and qualities manufactured in Newfoundland from timber grown in Newfoundland, if such lumber can be obtained in Newfoundland as and when and of sizes and qualities required by the Company from time to time.
- (e) Windows and doors, and casings therefor, sashes, mouldings, mantles, stairs, cupboards, ships, boats and barges made or constructed mainly or entirely of wood of kinds, qualities and sizes manufactured in Newfoundland from timber grown in Newfoundland, if such windows and doors, and casings therefor, sashes, mouldings, mantles, stairs, cupboards, ships, boats and barges can be obtained in Newfoundland as and when and of qualities and dimensions required by the Company from time to time.

(f) Bricks, nails, and paints for use in town construction, of sizes and kinds manufactured in Newfoundland, if such bricks, nails and paints can be obtained in Newfoundland as and when of the sizes and kinds required by the Company from time to time.

(g) Ropes and twines and nets of kinds and sizes manufactured in Newfoundland.

Certain
articles duty
free.

4. (1) Bailing wire, metal core caps, metal seals, metal strips and laminated heads to be used in binding or packing goods, sulphur, adhesives, silicate of soda, hessian, cores made of paper or other material, chlorine for industrial purposes imported by the Company shall be admitted free of duties and taxes.

(2) The following materials if imported by the Company for use as bleaching materials, or in connection with bleaching, shall be admitted free of duties and taxes, namely: caustic soda, bleaching powder, (calcium hypochlorite) chlorine, sodium thiosulphate, potassium permanganate, sulphuric acid and hydrochloric acid, and such other bleaching materials as the Company may, from time to time, show to the satisfaction of the Government are to be used in the manufacture of bleached pulp.

Duty on coal.

5. (1) The Company shall pay import duties and taxes of general application (if any) on coal imported into Newfoundland for use by the Company in its business of manufacturing pulp or paper, or operations incidental thereto, including the operation of its Railway between Grand Falls and Botwood, or its business of generating or transmitting electrical power or energy: Provided that—

- (a) until the 2nd day of August, 1947, such import duties and taxes taken together shall not exceed fifty cents a ton; and
 - (b) after the 2nd day of August, 1947, and until the 2nd day of August, 1967, such import duties and taxes taken together shall not exceed fifty cents a ton, plus ten per centum of the value of the coal at the time of importation.
- (2) Notwithstanding the provisions of subsection (1) of this section, the Company shall be entitled to be paid a drawback of any duties and taxes paid by it on coal imported by the Company and used in the manufacture of sulphite pulp for export. For the purpose of giving effect to this provision it shall be assumed that one ton of coal has been used by the Company in the manufacture of every short ton of sulphite pulp exported.
- (3) If the Company shall increase the present paper capacity of its mills, which present capacity for the purpose of this Act shall be taken to be 178,250 short tons of paper per annum, it shall be entitled to be paid a drawback of the duties and taxes paid by it on coal imported by the Company and used in the manufacture of paper in excess of 178,250 short tons per annum. For the purpose of giving effect to this provision it shall be assumed that half a ton of coal has been used by the Company in the manufacture of every short ton of paper produced in excess of 178,250 tons.

No
discriminatory
taxes.

6. There shall not be imposed upon the Company nor shall the Company be liable to pay at any time hereafter any taxes, duties or charges of a special or discriminatory nature.

Definition.

7. The expression "Company" wherever used in this Act shall be held to include—

- (a) the assigns of all, or substantially all, the property and assets of Anglo-Newfoundland Development Company, Limited; and
- (b) companies whose ordinary share capital is owned or controlled as to not less than three-quarters thereof by Anglo-Newfoundland Development Company, Limited, or the assigns aforesaid and engaged in the business of logging, lumbering or manufacture of pulp or paper or other products or by-products of timber or in operations incidental thereto or in generating or transmitting hydraulic electrical or other power or energy.

Time of
coming into
effect.

8. This Act shall be deemed to have come into force on the 1st day of September, 1939.

Short title.

9. This Act shall be cited as the Anglo-Newfoundland Development Company, Limited (Customs Duties) Act, 1939.

AN ACT FURTHER TO AMEND THE ST. JOHN'S
MUNICIPAL ACT, 1921, AND THE ACTS IN
AMENDMENT THEREOF

[29th December, 1939]

SECTION 1.—Amdt. Sec. 242; Municipal Arrears Commission.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:—

1. Section 242 of the St. John's Municipal Act, 1921, Amdt. Sec. 242;
as enacted by Section 8 of the Act No. 12 of 1937 and as Municipal
amended by Section 6 of the Act No. 18 of 1939 is hereby Arrears
Commission.
further amended as follows:—

- (a) By striking out from subsection (1) of the said section the figures “1939” and substituting therefor the figures “1940”;
 - (b) By striking out from subsection (2) of the said section the words and figures “and the 31st day of December 1939” and substituting therefor the words and figures “the 31st day of December 1939, the 30th day of June 1940, and the 31st day of December 1940”.
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AN ACT FURTHER TO AMEND THE HEALTH AND PUBLIC WELFARE ACT, 1931

[30th December, 1939]

SECTION

- 1.—Amendment Section 2; vessels to include aircraft.
- 2.—Amendment Section 22; jurisdiction of Medical Health Officers.
- 3.—Amendment Section 23; jurisdiction of Medical Health Officers.
- 4.—Amendment Section 25; creation local boards of health.
- 5.—Amendment Section 27; regulations may be made by local boards; penalty.
- 6.—Amendment Section 327; hospitals for training of nurses.
- 7.—Repeal of Section 337.
- 8.—Amendment Section 518; examination of persons in gaol.
- 9.—Amendment Section 519; control of venereal disease.
- 10.—Amendment Section 578; interpretation.
- 11.—Prevention of psittacosis.
- 12.—Revocation, revival or

SECTION

- varying of orders to pay money.
- 13.—Deaths in asylums to be reported.
- 14.—Deaths in Home for Aged and Infirm to be reported.
- 15.—Deaths in hospitals to be reported.
- 16.—Failure to report deaths; penalty.
- 17.—Notice to be given by persons undertaking care of infants for reward.
- 18.—Local authority.
- 19.—Contents of notice.
- 20.—Notice of change of residence.
- 21.—Notice of death or removal of child.
- 22.—Visitors, powers of.
- 23.—(1) Prohibitions by Commissioner.
(2) Effect of prohibition.
- 24.—Failure to give notice.
- 25.—Penalty for offences.
- 26.—Limitation on operation of Act.
- 27.—Act to be read with Health and Public Welfare Act, 1931.

A.D. 1939.

**Be it enacted by the Governor, by and with the advice of
the Commission of Government, as follows:**

PART I.—MISCELLANEOUS AMENDMENTS.

Amendment
Section 2;
vessels to
include aircraft

1.—Section 2 of the Health and Public Welfare Act, 1931 is hereby amended by adding thereto as paragraph (d) the following:—

(d) “vessel” or “vessels” shall, where the context so admits, include aircraft.

2. Section 22 of the said Act is hereby amended: **Amendment**

Section 22;

jurisdiction of
Medical Health
Officers.

(a) by striking out of subsection (1) the words
“in his district”;

(b) by striking out of subsection (2) the words
“in his district”;

(c) by striking out of subsection (3) the words
“in his district and in every municipality
therein”;

(d) by striking out of subsection (6) the words
“in his district”;

(e) by striking out of subsection (7) the words
“the Medical Health Officer of the district in
which such health officer acts” and substitut-
ing therefor the words “every Medical Health
Officer”.

3. Section 23 of the said Act is hereby amended by **Amendment**

striking out the full stop at the end of the said section **Section 23;**
and inserting a comma in the place thereof and adding **jurisdiction of**
thereafter the following words “but nothing herein **Medical Health**
shall limit such Medical Health Officer to the said district **Officers.**
in the exercise of any powers or duties by this Act or
otherwise conferred or imposed upon him”.

4. Section 25 of the said Act is hereby repealed and **Amendment**
the following substituted therefor:— **Section 25:**

creation local
boards of
health.

25. The Commissioner may organize a local board
of health in any area which board shall con-
sist of not less than five persons all of whom
shall be appointed by the Commissioner and
of whom a majority shall form a quorum.
Every such board shall elect its own chairman.
Notice of the creation of a board or of the

appointment of any person to a board shall be published in the Newfoundland Gazette.

Amendment
Section 27;
regulations
may be made
by local
boards; penalty

5. Section 27 of the said Act is hereby repealed and the following substituted therefor:

27. (1) A local board of health may subject to the approval of the Commissioner make such local regulations, not being contrary to this Act or to general regulations made thereunder, as it may deem necessary for the prevention or amendment of insanitary conditions within the area for which it is appointed.

(2) Every person committing a breach of any such regulation so approved and which has been published in manner hereinafter mentioned shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding thirty days.

Amendment
Section 327;
hospitals for
training of
nurses.

6. Section 327 of the said Act is hereby amended by striking out the full stop at the end of paragraph (a) thereof and inserting a comma in the place thereof and adding thereafter the words "approved by the Commissioner for that purpose".

Repeal of
Section 337.

7. Section 337 of the said Act is hereby repealed.

Amendment
Section 518;
examination
of persons in
gaol.

8. Subsection (1) of Section 518 of the said Act is hereby amended by striking out the full stop at the end thereof and substituting therefor a semicolon and adding to the said subsection the following words: "and which examination may include any form of examination or test, including a blood test, ordinarily used for the detection of any condition or disease not apparent on external examination".

9. Section 519 of the said Act is hereby amended: **Amendment
Section 519;**

(a) by striking out of sub-section (3) the words "Sub-section 2 of this Section" and substituting therefor the words "sub-section (2) of Section 518 so far as the same may be applicable"; **control of
venereal
disease.**

(b) by striking out of sub-section (4) the words "Sub-section 2 of this Section" where they occur at the end of the said sub-section (4) and substituting therefor the words "sub-section (2) of Section 518 so far as the same may be applicable".

10. Section 578 of the said Act is hereby amended by striking out the full stop at the end thereof and substituting therefor a colon and adding to the said section the following words: "Provided that upon any complaint against a step-child, foster-child or adopted child for failure to support or contribute to the support of a step-parent, foster-parent or parent by adoption the magistrate may refuse to make any order if he is of the opinion that in the circumstances of the case the person against whom the complaint is made does not owe to the step-parent, foster-parent or adopted parent any obligation of gratitude for nurture, care or affection". **Amendment
Section 578;
interpretation.**

11. (1) The Commissioner for Public Health and Welfare may subject to the approval of the **Prevention of
psittacosia.** Governor in Commission make and publish regulations for controlling or prohibiting the importation, exportation, breeding and sale of parrots or other birds of the psittacine family for the purpose of preventing the introduction or spread of the disease known as psittacosis.

(2) Every person committing a breach of any such regulation which has been published in the Newfoundland Gazette shall be liable on sum-

mary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding thirty days.

Revocation,
revival or
varying of
orders to pay
money.

12. Any order made under the Health and Public Welfare Act, 1931, either before or after the commencement of this Act, by a court of summary jurisdiction for the periodical payment of money by one person to another may upon cause being shown to the court which made the order or to any other court of summary jurisdiction be revoked, revived or varied by subsequent order.

PART II.—REPORTS OF DEATHS IN INSTITUTIONS

Deaths in
asylums to be
reported.

13. Whenever any person shall die while detained in any asylum for the insane or hospital for mental and nervous diseases or in any other place where a person of unsound mind may lawfully be detained the Medical Superintendent or other person having charge or control of such asylum, hospital or place shall within thirty-six hours of such death send a report of such death in writing to the nearest Stipendiary Magistrate stating the nature of the case and the cause of death; and a copy of such report shall be sent by such Medical Superintendent or person having charge or control to the Secretary of the Board of Commissioners in Lunacy, who shall have the same before them at their next meeting.

Deaths in Home
for Aged and
Infirm to be
reported.

14. Whenever any person resident or detained in the Home for the Aged and Infirm shall die in such Home the Superintendent or person having charge or control of such Home shall within thirty-six hours of such death send a report of such death in writing to the nearest Stipendiary Magistrate together with a report from the medical practitioner if any who attended the deceased in such Home stating the nature of the case and the cause of death.

15. (1) Whenever in any of the cases to which this section applies any person shall die in a hospital, nursing home or other place where patients are received for treatment, the Medical Superintendent or other principal person having charge or control of such hospital, nursing home or place shall send to the nearest Stipendiary Magistrate within thirty-six hours of such death a notice in writing of such death with the circumstances and causes thereof so far as known to him.

Deaths in hospitals to be reported.

(2) This section shall apply in the following cases:

(a) Whenever any medical practitioner has refused to certify the cause of such death.

(b) When death appears to have been caused directly or indirectly by any sort of accident, violence or neglect, or to have been attended by suspicious circumstances.

(c) Whenever the cause of death is unknown.

(d) Whenever death appears to have been due to abortion, anthrax, compressed air disease, glanders, industrial disease of the lungs, poisoning of any kind (including alcoholic, aniline, arsenical, benzine, ide, food, lead, mercurial, morphine or any blood, carbon bisulphide, carbon monoxide, other drug, phosphorus, tetrachlorethane and trinitrotoluene poisonings).

(e) Whenever death occurs after an operation necessitated by injury, or during any operation, or under an anaesthetic.

16. Every person who, being a person required under the provisions of Section 13 or 14 or 15 of this Failure to report deaths; penalty.

Act to report a death to the Stipendiary Magistrate, neglects or omits so to report such death within the time and in the manner prescribed by this Act shall be guilty of a misdemeanour; and he shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding thirty days, or he shall be liable on indictment to a fine of five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

PART III.—CHILD LIFE PROTECTION

Notice to be
given by
persons
undertaking
care of
infants for
reward.

17. (1) Every person who undertakes for reward the nursing and maintenance of one or more children under the age of ten years apart from their parents or having no parents, shall within forty-eight hours from the reception of any such child give notice in writing thereof to the local authority: Provided that this section shall not apply as respects any child when the period for which it is received is forty-eight hours or less.
- (2) Every person who undertakes for reward the nursing and maintenance of a child who is already in the care of such person without reward, shall for the purpose of this section, be deemed to have received the child at the time of entering into such undertaking.
- (3) Where at the commencement of this Act any child is under the care of any person who has before the commencement of this Act undertaken its nursing and maintenance under such circumstances that if this Act had then been in force such person would have been required to give notice to the local authority, such person shall within one month after the com-

mencement of this Act give to the local authority the like notice as if the nursing and maintenance of the child had been undertaken after the commencement of this Act.

18. For the purpose of this part of this Act the local ^{Local} authority shall be—

- (a) in that part of the Island north of a line drawn from Bay Bulls to Seal Cove, C.B., not including either settlement nor Bell Island, the Secretary for Public Health and Welfare;
- (b) in any other place the Stipendiary Magistrate in the district.

19. The notice shall state the name, sex and date ^{Contents of} and place of birth of the child, the name of the person ^{notice.} receiving the child and the dwelling within which the child is being kept and the name and address of the person from whom the child has been received.

20. Where a person who has undertaken the nursing ^{Notice of} and maintenance of any such child changes his residence ^{change of} he shall within forty-eight hours thereof give to the local ^{residence.} authority notice in writing of the change, and, where the residence to which such person moves is situated in the district of another local authority, such person shall give that other local authority the like notice as respects every child as is by this Act required in the case of the first reception of a child.

21. If any such child dies or is removed from the ^{Notice of} care of the person who has undertaken its nursing and ^{death or} maintenance that person shall within forty-eight hours ^{removal of} thereof give to the local authority notice in writing of the date of removal and, in the case of removal, notice also of the name and address of the person to whose care the child has been transferred.

Visitors,
powers of.

22. A visitor thereto authorized by the Secretary for Public Health and Welfare or by a Stipendiary Magistrate shall have at all times the right to enter any premises where a child is being kept for reward and to view and examine such child and, if he shall think fit, to cause such child to be examined by a medical practitioner or Government nurse; and any person who shall obstruct or cause or procure to be obstructed any such visitor or any such medical practitioner or Government nurse shall be guilty of an offence under this Act.

Prohibitions
by Com-
missioner.

23. (1) The Commissioner for Public Health and Welfare may by order under his hand prohibit—

(a) any person named in such order from receiving any child or children to be nursed or maintained for reward; and/or

(b) the reception of a child or children to be nursed or cared for for reward in any premises specified in such order.

Effect of
prohibition.

(2) A copy of any such order shall be served upon the person or upon the occupier of the premises specified therein, and if, after the service of such order, a person so prohibited shall receive a child in any premises to be nursed and maintained for reward, or if any person shall receive a child to be nursed and maintained for reward in any premises so specified, then such person or the occupier for the time being of the premises as the case may be, shall be guilty of an offence under this Act.

Failure to
give notice.

24. A person who, being liable to give any notice to a local authority, shall fail to give the same within the time by this Act provided or shall give the same untruly or incorrectly shall be guilty of an offence under this Act.

25. A person guilty of an offence under this Part of this Act shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding three months and the court may order any child in respect of which the offence was committed to be removed to a place of safety. Penalty for offences.

26. (1) The provisions of this Part of this Act shall not extend to any relative or legal guardian of a child who undertakes the nursing and maintenance of a child; or to any hospital, convalescent home or institution established for the protection and care of children and conducted in good faith for religious or charitable purposes; or to any boarding school at which or in connection with which efficient elementary education is provided. Limitation on operation of Act.

(2) For the purpose of this section the expression "relative" means grandparents, brothers, sisters, uncles and aunts by blood or marriage and in the case of illegitimate children means persons who would be so related if the child were legitimate.

27. This Act shall be read with and form part of the Health and Public Welfare Act, 1931. Act to be read with Health and Public Welfare Act, 1931.

AN ACT RELATING TO THE NEWFOUNDLAND SAVINGS BANK

[29th December, 1939]

SECTION

- 1.—Savings Bank Corporation continued.
- 2.—Commissioner for Finance to manage with assistance of an Advisory Board.
- 3.—Power to make Regulations.
- 4.—Supervision by Governor in Commission.
- 5.—Appointment of officers.
- 6.—Audit.

SECTION

- 7.—Officers to give security.
- 8.—Establishment of Branches.
- 9.—Revenue of Island liable for deposits, etc.
- 10.—Investment, etc. of funds.
- 11.—Interest on deposits.
- 12.—Moneys in hands of Supreme Court.
- 13.—Disposition of profits.
- 14.—Repeals.
- 15.—Short title.

A.D. 1939.

Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:

Savings Bank Corporation continued.

1. The Corporation now existing by virtue of the Act No. 12 of 1934 entitled "An Act Relating to the Newfoundland Savings Bank" and consisting of the Commissioner for Finance and such persons who may from time to time have deposits in the Newfoundland Savings Bank is hereby confirmed and continued. The said Corporation shall continue to have perpetual succession and a common seal and to have power to sue and be sued in all courts and to hold, purchase, demise and convey real and personal property.

Commissioner for Finance to manage with assistance of an Advisory Board.

2. The Bank shall be under the direction and control of the Commissioner for Finance hereinafter called "the Commissioner", who shall be assisted by an Advisory Board hereinafter called "the Board" consisting of three persons to be appointed from time to time by the Governor in Commission, one of whom shall be elected by the Board as Chairman. The members of the Advisory Board shall each receive by way of remuneration the sum of five hundred dollars a year.

3. The Commissioner after consultation with the Board shall have power to make, alter and amend rules and regulations for the management of the Bank. **Power to make Regulations.**

4. The Governor in Commission may disallow any rule or regulation or other proceeding of the Commissioner within one month after the same shall have been made or taken; and in order to the exercise of this power the Commissioner shall report his proceedings to the Governor in Commission at such intervals as the Governor in Commission may prescribe, and at other times when especially required so to do by the Governor in Commission. **Supervision by Governor in Commission.**

5. The Governor in Commission may appoint a Principal Accountant to the Bank and fix his salary. The Principal Accountant shall, under the direction of the Commissioner, have the management of the affairs of the Bank and the control of the staff thereof. Other necessary officers and servants of the Bank shall be appointed and their salaries fixed by the Commissioner with the advice of the Board, subject in the case of initial salaries of and exceeding twelve hundred dollars a year to the prior approval of the Governor in Commission. **Appointment of officers.**

6. The accounts of the Bank shall be subject to audit by the Comptroller and Auditor General, who shall make a report thereon to the Governor in Commission annually, and oftener if he shall think fit or be required so to do. The Bank shall furnish all such information and produce all such accounts, books, vouchers, correspondence and other documents as the Comptroller and Auditor General shall require for the purpose of his audit. **Audit.**

7. The Principal Accountant and other officers and servants of the Bank shall give to the Governor in Commission such security for the faithful performance of their offices, and for the safe custody of the moneys and property committed to their charge, as the Governor in Commission shall think fit. **Officers to give security.**

Establishment
of Branches.

8. The Governor in Commission may, on the recommendation of the Commissioner and on the advice of the Board, establish branches of the Bank or offices of deposit in such places in Newfoundland as he may think fit.

Revenue of
Island liable
for deposits,
etc.

9. The general revenue of the Island shall be liable for all moneys deposited in the Bank and for all interest payable thereon.

Investment,
etc. of funds.

10. (1) The Commissioner may invest or lend any funds of the Bank in such manner and upon such security, and at such rates of interest, and for such periods as he may think fit, provided that he may not:—

(a) discount or lend upon bills of exchange, promissory notes, bills of lading, warehouse receipts or other negotiable instruments, or lend upon the personal security of individuals.

(b) lend upon the security of real estate, unless the said security is guaranteed as to principal and interest by the Government of Newfoundland.

(c) invest in bonds or debentures of the Government of Newfoundland or any bonds or debentures guaranteed by the Government of Newfoundland to an extent greater than one-fifth of the funds of the Bank unless such bonds or debentures are guaranteed as to principal and interest by the Government of Great Britain and Northern Ireland.

(2) For the purposes of the immediate preceding subsection the expression "funds of the Bank" shall include the General Reserve Fund.

11. Depositors of sums of not less than one dollar ^{Interest on} for a period of not less than one month shall receive in ^{deposits.} interest thereon at such rate per annum as the Commissioner on the advice of the Board, with the approval of the Governor in Commission, may from time to time fix.

12. Any moneys held in trust by the Registrar of the ^{Moneys in} Supreme Court or paid into such Court for any purpose ^{hands of} shall be deposited in the Bank, and the same shall be ^{Supreme Court.} subject to the orders of the Registrar or of the Court as the case may be.

13. (1) The profits of the Bank now existing, and as ^{Disposition of} they shall arise from time to time, shall be ^{profits.} paid into a General Reserve Fund.

(2) No withdrawal from the said General Reserve Fund shall be made save with the approval of the Governor in Commission on the recommendation of the Commissioner made on the advice of the Board.

(3) The said General Reserve Fund shall as and when profits are available be brought to an amount equal to twenty per cent. of the deposits in the Bank. For the purposes of this subsection the deposits and the General Reserve Fund shall be compared as on the last day of each financial year of the Bank. When and so long as the said General Reserve Fund shall stand in the required proportion to the deposits on the said last day of the financial year then last past, the Commissioner may on the advice of the Board direct that any further profits not being in his opinion likely to be required for the business of the Bank be paid over to the Consolidated Revenue Fund for the use of the Island: Provided that nothing in this subsection shall be deemed to au-

thorize any reduction of the General Reserve Fund.

Repeals.

14. The Newfoundland Savings Bank Act, 1934 and Act No. 39 of 1934 and Act No. 3 of 1937 are hereby repealed.

Short title.

15. This Act may be cited as the Newfoundland Savings Bank Act, 1939.

AN ACT TO ORGANIZE THE MARKETING OF AGRICULTURAL PRODUCE

[29th December, 1939]

SECTION

- 1.—Interpretation.
- 2.—Submission and approval of schemes.
- 3.—Constitution of boards to administer schemes.
- 4.—Information to be furnished for purpose of register.
- 5.—Regulation of marketing and encouragement of co-operation, education and research.
- 6.—Miscellaneous provisions of scheme.
- 7.—Consultation between marketing boards and other persons.
- 8.—Financial powers and duties of boards.
- 9.—Effect of schemes on contracts.
- 10.—Registration of producers being firms or trading societies.

SECTION

- 11.—Restriction on disclosing information obtained under Act.
 - 12.—Offences committed by bodies corporate.
 - 13.—Regulation of importation of agricultural products.
 - 14.—Regulation of sales of home - produced agricultural products.
 - 15.—Representations by Department for regulation of supply of agricultural products.
 - 16.—Consumers' committees and committees of investigation.
 - 17.—Annual reports to be published.
 - 18.—Short title.
- First Schedule.
Second Schedule.
Third Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1939.
the Commission of Government, as follows:

1. In this Act, unless the context otherwise requires, Interpretation.
the following expressions have the meanings hereby respectively assigned to them:

- (1) "agricultural product" includes any product of agriculture or horticulture or any article of food or drink wholly or partly manufactured or derived from any such product, and fleeces and skins of animals.

- (2) "board" means a board administering a scheme under this Act, and, in relation to any scheme, means the board administering that scheme.
- (3) "Commissioner" means the Commissioner for Natural Resources.
- (4) "contravention" includes non-compliance, and the expression "contravene" shall be construed accordingly.
- (5) "Court" means the Supreme Court of Newfoundland.
- (6) "Department" means the Department of Natural Resources.
- (7) "Gazette" means the Newfoundland Gazette.
- (8) "producer" means in relation to any scheme, any person who produces the regulated product or products. For the purposes of a scheme regulating the marketing of livestock of any kind, every person whose business it is to keep livestock of that kind for the purpose of breeding from it or selling it in an improved condition shall (except in so far as the scheme otherwise provides) be deemed to produce it.
- (9) "registered producer" means in relation to any scheme a producer registered under the scheme.
- (10) "regulated product" means in relation to any scheme, any agricultural product or prod-

ucts the marketing of which is regulated by the scheme, but does not include any agricultural product or products in so far as they are produced outside the area to which the scheme is applicable.

2. (1) A scheme regulating the marketing of an agricultural product by the producers there-
Submission and approval of schemes.
of may be submitted to the Commissioner in accordance with Part I of the First Schedule of this Act and the Governor in Commission by Order may, subject to the provisions of this section, approve the scheme.
- (2) A scheme submitted and approved as afore-said may be applicable to Newfoundland or to any part thereof.
- (3) Before approving the scheme, the Governor in Commission shall cause to be published in the Gazette, and in such other manner as he thinks best for informing persons affected, notice of the submission of the scheme, of the place where copies thereof can be obtained and inspected and of the time (which shall not be less than six weeks after such publication in the Gazette) within which objections and representations with respect to the scheme may be made.
- (4) Every objection must be sent to the Commissioner in writing and must state the grounds of objection and the specific modification required.
- (5) The Governor in Commission, after considering any scheme duly submitted to him and

any objections and representations duly made with respect thereto and after holding such inquiries (if any) as he thinks fit, may make such modifications in the scheme as he thinks proper: Provided that no such scheme shall, without consulting the persons affected, be modified so as to be applicable to any area to which it would not have been applicable without modification.

- (6) As soon as possible after making an order approving a scheme the Governor in Commission shall cause the order to be published in the Newfoundland Gazette and in such other manner as he shall think best for informing persons affected; and the scheme shall come into effect as from the date of such order or from such later date as shall be stated in the order.
- (7) In respect of a scheme the particulars whereof have been communicated by the Commissioner to persons affected thereby more than six weeks prior to the passing of this Act, the Commissioner shall submit to the Governor in Commission the objections and representations that he has received in respect of the scheme and in such case the Governor in Commission may if he deems fit approve the scheme with or without modifications without prior publication.

Constitution of
boards to
administer
schemes.

- 3. (1) Every scheme shall provide for the registration of any producer who makes application for that purpose and shall constitute a board to administer the scheme.
- (2) The board to administer a scheme shall, subject to the filling of casual vacancies in the board, be composed of:

- (a) Persons elected in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme; and
- (b) two persons co-opted to the board in accordance with the scheme, by the elected members of the board with the approval of the Commissioner;

Provided that during such period as may be specified in the scheme, the board shall, subject as aforesaid, be composed of persons named in the scheme and two persons nominated by the Commissioner after consultation with the persons by whom the scheme was submitted.

- (3) The provisions of the Second Schedule to this Act shall apply with respect to the incorporation, registration and winding up of any such board.
4. (1) As soon as practicable after any scheme comes into force the board shall cause to be published in such newspapers as the Commissioner may direct, being newspapers circulating within the area to which the scheme is applicable, a form of application for registration as a producer under the scheme, together with a notice stating:
- (a) the nature of the regulated product or group of regulated products and the area to which the scheme is applicable;
 - (b) the classes or descriptions of producers, if any, which are exempted from registration and the procedure required (if any) for securing such exemption;
- Information to be furnished for purpose of register.

- (c) the place where copies of the scheme may be obtained or inspected;
 - (d) such other particulars as the board may think fit.
- (2) The Commissioner, as soon as practicable after any scheme approved by him comes into force, shall cause a list to be compiled containing the names of all such persons as he has reason to believe are producers, together with their respective addresses so far as known to him, and forward a copy of the list to the board.
- (3) As soon as practicable after receiving such a list as aforesaid the board shall send to every person named in the list, and to every other person who the board have reason to believe is a producer, being a person who is not registered as a producer, a notice addressed to him at his last known address, stating the particulars required to be stated in the notice published under subsection (1) of this section, together with a form of application for registration.

Regulation of
marketing and
encouragement
of co-operation,
education and
research.

5. Subject to the approval of the Commissioner a scheme may provide for all or any of the matters set out in one or more of the following paragraphs, that is to say:

- (a) for empowering the board to buy the regulated product, to produce such commodities from that product as may be specified in the scheme, and to sell, grade, pack, store, adapt for sale, insure, advertise and transport the regulated product and any commodity so produced by the board;

- (b) for requiring registered producers to sell the regulated product or such quantity thereof or any description thereof as may from time to time be determined by the board, only to, or through the agency of the board;
- (c) for empowering the board to buy and to sell or let for hire to registered producers, anything required for the production, adaptation for sale, or sale of the regulated product;
- (d) for empowering the board to co-operate with any other person in doing anything which the board are or might be empowered to do by virtue of paragraph (a) or paragraph (c) of this section.
- (e) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers; and
- (f) for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board;
- (g) for the determination from time to time:
 - (i) of the descriptions of the regulated product which may be sold by any registered producer;
 - (ii) of the price at, below or above which, the terms on which and the persons to, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold as aforesaid;

- (h) for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any registered producer, so however that the scheme shall either specify the method of determination or require the board to prescribe it. The method of determination may be such as to secure that the quantity (if any) which any particular registered producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold, or otherwise dealt with on particular land or premises or by particular persons.
- (i) for securing that, for all or any of the purposes of the scheme, the sale of any agricultural product wholly or partly manufactured or derived from the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and where, in the case of any such scheme as aforesaid, the regulated product is livestock of any kind, then, without prejudice to the foregoing provisions of this subsection, the scheme may provide for securing that, for all or any of the purposes aforesaid, a person shall be deemed to sell the regulated product if he sells the carcasses of any livestock of that kind, being livestock produced by him in the area to which the scheme is applicable;
- (j) for regulating the manner in which the regulated product or any description or quantity

thereof is to be graded by or on behalf of registered producers, or the manner in which the regulated product or any description or quantity thereof is to be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers;

- (k) for empowering any person authorized in writing by the board, for the purpose of securing compliance with the scheme, to enter and inspect, at any reasonable time and on production of his authority, any part of the land or premises occupied by any registered producer (being a producer specified in the authority), which the person so authorized has reason to believe is used for producing the regulated product or for doing any of the following things which is regulated by the scheme, that is to say, grading, marking, packing or storing the regulated product or adapting it for sale;
 - (l) for requiring registered producers to furnish to the board such estimates, returns, accounts and other information relating to the regulated product as the board consider necessary for the operation of the scheme;
 - (m) for enabling the board to encourage, promote or conduct agricultural co-operation, research and education.
6. (1) Every scheme shall provide for the following matters, that is to say:
- (a) for requiring that no sale of the regulated product shall be made by any producer

Miscellaneous
provisions of
scheme.

who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme;

- (b) for exempting from all or any of the provisions of the scheme producers and sales of such classes or descriptions as may be specified in the scheme or determined by the board;
- (c) for requiring the Board to impose on, and recover from any registered producer who contravenes any provision of the scheme made in pursuance of Section 5 of the Act, such monetary penalties as may be specified by the scheme, so however that no such penalty shall be imposed in respect of a contravention of the scheme which constitutes an offence under any other Act.
- (d) for securing that any producer who is aggrieved by any act or omission of the board may refer the matter to one or more arbitrators appointed in such manner as may be provided by the scheme, and for the manner in which any such reference is to be heard and determined;
- (e) for requiring the register of producers to be open for inspection at such times as may be specified by the scheme, and for requiring the board to furnish a copy of the register or any part thereof to any person demanding it, on payment of such fee as may be specified by the scheme;
- (f) for the additional matters set out in the Third Schedule of this Act.

- (2) A scheme may provide for securing, where by reason of a registered producer dying, or becoming subject to some legal disability or entering into a composition or scheme of arrangement with his creditors, any property in or control of, the regulated product is transferred from the registered producer to a personal representative, trustee, committee or other person, that the personal representative, trustee, committee or other person, as the case may be, shall, in such circumstances and in respect of such matters as may be specified in the scheme, be deemed to be a producer.
- (3) Every scheme may further provide for such matters as are incidental to or consequential on the provisions of this Act relating to the contents of the schemes or are necessary for giving effect to those provisions.
- (4) Any producer who sells the regulated product in contravention of the provisions of a scheme made in pursuance of paragraph (a) of subsection (1) of this section shall for each offence be liable on summary conviction to a fine not exceeding twenty-five dollars or on conviction on indictment to a fine not exceeding five hundred dollars and in either case to an additional fine not exceeding half the price at which the product was sold: Provided that the fines imposed on summary conviction for any offence under this subsection shall not exceed in the aggregate two hundred and fifty dollars.
- (5) Where any court imposes a fine for an offence under the last preceding subsection, the court may, if it thinks fit, having regard to the prejudicial effect which the commission of the

offence has had or is likely to have in the operation of the scheme, direct the whole or any part of the fine to be paid to the Board.

Consultation
between
marketing
boards and
other persons.

7. (1) The board administering a scheme shall have power to negotiate with any other person in respect of any matter concerning the marketing of the regulated product, or any agricultural product from which the regulated product is wholly or partly manufactured or derived, or of any commodity wholly or partly manufactured or derived from the regulated product, and to agree with the other parties to the negotiations to bring into consultation in connection therewith such person as may be agreed between the parties or, in default of agreement, nominated by the Commissioner.

(2) The board administering a scheme may pay the whole or any part of the remuneration or expenses of any person whose functions it is to advise the board in connection with the exercise of their powers under the scheme, or who is brought into consultation in connection with negotiations entered into by the board in pursuance of this section.

Financial
powers and
duties of
boards.

8. (1) Every scheme shall provide for the following matters, that is to say:—

(a) for the establishment of a fund (hereinafter in this section referred to as “the fund”) to be administered and controlled by the board for the payment into the fund of all moneys received by the board, and for the payment out of the fund of any moneys required by the board for the operation of the scheme;

- (b) for the payment by registered producers of contributions to the fund of such amounts as may be necessary for the operation of the scheme, and for the assessment of the contributions of producers in such manner and subject to such limitations as may be provided by the scheme;
 - (c) for the distribution in such manner as may be provided in the scheme of all moneys standing to the credit of the fund which are not required for the operation of the scheme;
 - (d) for empowering the board to borrow money for the purpose of exercising their functions under the scheme.
- (2) Any scheme may empower the board to lend to any registered producer a portion of the amount which the board estimate that he will receive from the sale of any quantity of the regulated product produced or in course of production by him.
- (3) A debenture issued by the board may create in favour of a bank a floating charge on any farming stock in Newfoundland the property in which is vested in the board. For the purpose of this subsection "farming stock" means crops or horticultural produce, whether growing or severed from the land, and after severance whether subjected to any treatment or process of manufacture or not; live stock, including poultry and bees, and the produce and progeny thereof; any other agricultural or horticultural produce whether subjected to

any treatment or process of manufacture or not; seeds and manures; agricultural vehicles, machinery, and other plant; tenant's fixtures and other fixtures which a tenant is by law authorized to remove.

Effect of
schemes on
contracts.

9. (1) Subject as hereinafter provided, a contract of which neither the making nor the performance was, at the time when the contract was made, prohibited by or under any scheme in force under this Act shall not, unless the terms of the contract otherwise provide, be void or unenforceable by reason that, at the time for the performance of any provision of the contract, the performance thereof is so prohibited: Provided that, where the performance of any such contract is prohibited by or under any such scheme, this subsection shall cease to apply to that contract upon the expiry of three months after the prohibition first takes effect, unless the contract is registered under this section.
- (2) It shall be the duty of the board, on the application of any party to such a contract as aforesaid to register the contract within the period of fourteen days after the application, unless
- (a) the application is made after the time at which it is provided by the proviso to subsection (1) of this section, that that subsection shall cease to apply to the contract; or
- (b) the board are of opinion—
- (i) that the contract is unenforceable by any party thereto by virtue of the provisions of Section 4 of the Statute

of Frauds or Section 4 of the Sale of Goods Act, (Cap. 184, Consolidated Statutes, 1916); or

- (ii) that the contract was made with a view to evading the operation of the scheme,

and if any party to a contract is aggrieved by the omission of a board to register the contract within the period as aforesaid, he may within twenty-one days after the expiration of that period, appeal to the Court, and, pending the determination of any such appeal, subsection (1) of this section shall, notwithstanding anything in the proviso thereto, continue to apply to the contract.

- (3) On any appeal under this section, the board concerned and any party to the contract may appear and be heard, and if, on the hearing of any such appeal the Court finds:

- (a) that the applications for registration of the contract were made before the time at which it is provided by the proviso to subsection (1) of this section, that that subsection shall cease to apply to the contract; and
- (b) that the contract is not unenforceable by any party thereto by virtue of the provisions of Section 4 of the Statute of Frauds or Section 4 of the Sale of Goods Act; and
- (c) that the contract was not made with a view to evading the operation of the scheme;

the Court shall by order direct the registration of the contract and thereupon the contract shall be deemed to have been registered as from the date of the order; but where the Court does not direct the registration of the contract, any party to the contract certified by the Court to have entered into the contract bona fide without a view to the evasion of the operation of the scheme may recover the amount of any damage suffered by him by reason of the avoidance of the contract from any party certified by the Court to have entered into the contract with a view to such evasion as aforesaid.

- (4) Where, in conformity with a scheme, any contract for the sale of the regulated product by a registered producer, otherwise than to, or through the agency of the board, purports to confer on the board any right to receive from the purchaser the whole or any part of the purchase price payable under the contract, or of any damages for which the purchaser may be liable in respect of a wrongful rejection of articles tendered in accordance with the contract, the board may enforce that right against the purchaser, notwithstanding that the board are not parties to the contract and notwithstanding that, as between the board and the purchaser, there is no consideration.
- (5) Where any scheme in force under this Act provides:
 - (a) for requiring registered producers to sell the regulated product or any description thereof only to, or through the agency of, the board; or

- (b) for the determination of the quantity of the regulated product or of any description thereof which may be sold by any registered producer;

then notwithstanding anything in this section every contract (whether made before or after the commencement of this Act) whereby a registered producer undertakes to sell, otherwise than to, or through the agency of, the board, a quantity of an agricultural product determined by reference to the total quantity thereof from time to time produced by the registered producer or produced by him in any area or premises specified in the contract, shall, if and insofar as the performance of the contract is prohibited by or under the scheme, be void and unenforceable: Provided that nothing in this subsection shall affect any cause of action which has arisen before the commencement of this Act.

10. Registration under a scheme of the name or style under which two or more persons carry on business in partnership as producers, shall operate as the registration of all the partners for the time being, so, however, that for the purposes of those provisions of this Act and of the Scheme which relate to election, voting at meetings, and to the assessment of contributions on registered producers, all the partners shall be regarded as constituting together a single registered producer.

Registration of producers being firms or trading societies.

11. (1) No information with respect to any particular undertaking (other than the undertaking of a board) shall, without the consent of the owner of that undertaking, be included in any report published in pursuance of this Act.

Restriction on disclosing information obtained under Act.

- (2) Any person who discloses any information obtained by him in the exercise of any power conferred by or under this Act on any board shall be liable on conviction on indictment to imprisonment for a term not exceeding one year or a fine not exceeding two hundred and fifty dollars, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred and twenty-five dollars or to both such imprisonment and fine: Provided that nothing in this section shall apply to the disclosure of any information in so far as it is required to be disclosed for the purposes of legal proceedings (including arbitrations) under this Act or any scheme made thereunder, or for the purpose of any report of such proceedings, or in so far as the disclosure is required or authorised by this Act or any scheme made thereunder.

Offences
committed by
bodies
corporate.

12. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of any Director, Manager, Secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Regulation of
importation of
agricultural
products.

13. (1) Subject to the provisions of this section the Governor in Commission may make an order regulating by licence the importation into Newfoundland of any such agricultural product as may be specified in the order if it appears,
- (a) that there have been or are being taken all such steps as are practicable and necessary for the efficient reorganization

by means of agricultural marketing schemes or schemes under this Act, of those branches of the agricultural industry in Newfoundland in whose interests the order is made; and

- (b) that without an order under this section, the effective organization and development of the said branches of the agricultural industry in Newfoundland under such schemes as aforesaid cannot be brought about or cannot be maintained; and any order made under this section may contain such provisions as appear to the Governor in Commission to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.
- (2) Without prejudice to the generality of the powers conferred by the foregoing subsection, an order under this section may regulate the importation into Newfoundland of the agricultural product to which the order relates, by determining for any such period as may be specified in the order:—
- (a) the quantity of the product, or of any description thereof, which may be imported;
 - (b) the descriptions of the product which may be imported.
- (3) In deciding whether to make an order under this section, and in settling the terms of any such order, the Governor in Commission shall, among other considerations, have regard to

the interests of consumers of the product to which the order relates (including persons who purchase that product for the purpose of subjecting it to any treatment or process of manufacture) and to the effect which the regulation of the importation of that product into Newfoundland is likely to have upon the commercial relations between Newfoundland and other countries, and the Governor in Commission shall not make such an order unless he is satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Newfoundland and the government of any other country.

Regulation of
sales of
home-produced
agricultural
products.

14. (1) Where the importation of an agricultural product into Newfoundland is regulated by an order in force under the foregoing section or arrangements have been made, to the satisfaction of the Governor in Commission, for controlling the importation of an agricultural product into Newfoundland, then if it appears to the Commissioner that an order under this section will conduce to the efficient reorganization or organized development of any branch of the agricultural industry in Newfoundland, or is necessary in order to secure the economic stability of any branch of that industry, the Commissioner may, subject to the following provisions of this section, make, in respect of the said agricultural product or any related product an order regulating the sales of the product, which is the subject of the order, by persons producing it in Newfoundland or by boards administering agricultural marketing schemes, by determining for any such period as may be specified in the order—

- (a) the description of the product which may be sold; and
- (b) the quantity of the product, or of any description thereof, which may be sold; and
- (c) the area in which the product may be sold;

so, however, that nothing in an order under this section shall apply to any product in so far as it is produced outside Newfoundland.

In this subsection the expression "related product" means, in relation to an agricultural product any agricultural product from which the first mentioned agricultural product is wholly or partly manufactured or derived, or any agricultural product wholly or partly manufactured or derived therefrom.

- (2) Any order made under this section may contain such provisions as appear to the Commissioner to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order, and, subject to any directions which may be contained in the order, it shall be the duty of Boards administering agricultural marketing schemes to exercise their powers in such manner as appears to them to be necessary for securing that the order is not contravened.
- (3) Before making any order under this section the Commissioner shall consult the Organized Marketing Committee of the Department, and, if the order is in respect of a product the marketing of which is regulated by agricultural marketing schemes shall also consult the Boards administering the schemes.

Representations
by Department
for regulation
of supply of
agricultural
products.

15. It shall be the duty of the Department to review generally the circumstances affecting the supply of agricultural products in Newfoundland and to make representations to the Governor in Commission as to any steps which ought, in the opinion of the Commissioner, to be taken for regulating that supply.

Consumers'
committees
and committees
of investiga-
tion.

16. (1) The Commissioner may appoint two committees, a consumers' committee and a committee of investigation. A consumers' committee may be charged with the duty of considering and reporting to the Commissioner on the effect of any scheme approved by the Governor in Commission on consumers of the regulated product and on any complaints made to the committee as to the effect of any such scheme on consumers of the regulated product. A committee of investigation may be charged with the duty, if the Commissioner so directs, of considering and reporting to the Commissioner, on any reports made to a consumers' committee and any complaint made to the Commissioner as to the operation of any scheme which, in the opinion of the Commissioner, could not be considered by a consumers' committee.

(2) For the purpose of enabling any committee appointed under this section to consider any matter which it is their duty under this section to consider, the board administering the scheme to which the matter relates shall furnish the committee with such accounts and other information relating to the affairs of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by the regulations made by the Commissioner under this

Act with respect to the procedure of the committee.

- (3) The chairman and other members of every such committee shall be appointed by the Commissioner for such period and subject to such conditions as may be determined by him, and the meetings and procedure of any such committee shall be regulated in accordance with regulations made by the Commissioner for the purpose, and every such committee shall have power to act notwithstanding any vacancy among the members thereof.
- (4) If a committee of investigation reports to the Commissioner that any provision of a scheme or any act or omission of a board administering a scheme is contrary to the interest of consumers of the regulated product, or is contrary to the interest of any persons affected by the scheme and is not in the public interest, the Commissioner, if he thinks fit so to do after considering the report—
 - (a) may by order make such amendments in the scheme as he considers necessary or expedient for the purpose of rectifying the matter; and
 - (b) in the event of the matter being one which it is within the power of the board administering the scheme to rectify, may by order direct the board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the board forthwith to comply with the order:

Provided that before taking action under this subsection the Commissioner shall give the

board administering the scheme notice of the action which he proposes to take and shall consider any representations made by the board within one month from the date of the notice.

- (5) In considering for the purpose of this Act whether any person represents the interests of consumers of any product, or whether any provision of a scheme or any act or omission of the board administering the scheme is contrary to the interests of consumers of any product, regard shall be had to the interests of persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use, and not to the interests of persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

Annual reports
to be published. **17.** The Commissioner shall in the year 1941 and in each subsequent year cause to be published in leading Newfoundland newspapers a report—

- (a) upon the operation of the schemes for the time being in force under this Act; and
- (b) upon the schemes which have been submitted to him since the last report was published under this section.

Short title

18. This Act may be cited as the Newfoundland Agricultural Marketing Act, 1939

FIRST SCHEDULE

Part I. Submission of Schemes.

A scheme regulating the marketing of an agricultural ^{First Schedule.} product or agricultural products may be submitted by any persons who satisfy the Governor in Commission that they are substantially representative of the persons who produce that product or those products in the area to which the scheme is applicable, and for the purpose of satisfying himself as aforesaid the Governor in Commission shall have regard both to the number of persons represented and to the quantity of the product or products produced by them in that area during some recent period before the scheme is submitted.

Part II. Amendment and Revocation of Schemes

1. An amendment of a scheme may be made by the Governor in Commission provided he is satisfied that this amendment will conduce to the more efficient operation of the scheme and he is satisfied that there is a prevailing opinion among representative organizations of producers in the area or areas concerned in favour of the amendment. For the purpose of this paragraph the expression "prevailing opinion among representative organizations of producers" in the area or areas concerned means (i) not less than two-thirds of the total number of members of agricultural co-operative societies registered under the Co-operative Societies Act, 1939; and (ii) producers of such societies who are capable of producing not less than two-thirds of the quantity of the regulated product or products which all the producers of such societies are capable of producing.

2. If after a period of two years from the date of the introduction of a scheme a demand for the revocation of the scheme be made to the board the Governor in Commission if satisfied that the preponderating opinion among or-

ganized producers in any area or areas concerned is in favour of revoking the scheme shall thereupon by order revoke the scheme. Preponderating opinion shall be deemed to be in favour of revoking the scheme if more than one-half the total number of members of agricultural societies in the area or areas concerned registered under the Co-operative Societies Act, 1939, shall vote in favour of such revocation.

3. A scheme may be revoked by a subsequent scheme, and when a scheme is so revoked the subsequent scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board, for the continuation by or against the new board of any legal proceedings, pending by or against the existing board, and for the dissolution without winding up, of the existing board.

In this paragraph the expression "new board" means the board administering the subsequent scheme.

4. The Governor in Commission shall by order revoke a scheme if an order is made for the winding up of a board.

5. Without prejudice to any other powers conferred on him by this Act, the Governor in Commission, if he is of opinion that any provision of a scheme or any act or omission of a board administering a scheme is contrary to the interests of consumers of the regulated product or is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest, may by order revoke the scheme.

6. The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, and (except in a case where the board is dissolved without winding up under paragraph 3 of this Part of the Schedule) so much of the scheme as re-

lates to the winding up of the board shall continue in force notwithstanding the revocation.

7. Where a scheme is revoked, or is so amended as to revoke any provision thereof, Section 8 of Chapter 1 of the Consolidated Statutes (Third Series) (which relates to the effect of repeals) shall apply as if the revocation of the scheme or of that provision as the case may be, were the repeal of an enactment by another Act.

SECOND SCHEDULE

Provisions as to the Incorporation, Registration and Winding Up of the Boards

Second
Schedule.

1. The board shall be constituted by the scheme as a body corporate with a common seal and power to hold land in fee simple.

2. The scheme shall provide for notification to the Commissioner of the address of the office of the board at which communications and notices will at all times be received, and of any change in that address, and the Commissioner shall cause a register to be kept showing the address of every board, and the register shall be open for inspection by the public at such times and at such places as he may direct.

3. The scheme shall provide for the winding up of the board, and for that purpose may apply the appropriate clauses of the Companies Acts, or the Co-operative Societies Act, 1939, subject to the modifications hereafter set out in this Schedule.

4. For the purpose of the Companies Acts the principal place of business of the board shall be deemed to be the office of the board registered by the Commissioner under this Act.

5. Paragraph (b) of subsection (4) of Section 233 of the Companies Act, shall not apply, and paragraph (c) of that paragraph shall apply as if the words "or any member thereof as such" were omitted.

6. A petition for winding up a board may be presented by the Commissioner as well as by any person authorised under the provisions of the Companies Act to present a petition for winding up a company.

7. In the event of the winding up of a board, every person who at any time during the relevant period was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the board and to the payment of the costs and expenses of the winding up an amount assessed in such manner and subject to such limitations as may be provided by the scheme, but save as aforesaid no person shall be liable to contribute to the assets of the board in the winding up by reason only of his being or having been a registered producer or a member of the board.

8. In the last foregoing paragraph the expression "the relevant period" means:

- (a) in a case where, before the commencement of the winding up, the scheme has been revoked, the year immediately before the revocation of the scheme,
- (b) in any other case, the year immediately before the commencement of the winding up.

THIRD SCHEDULE

Third Schedule. **Additional Matters for Which the Scheme Must Provide**

- 1. As to the accounts to be kept by the board, and as to the audit of such accounts.

2. As to the furnishing by the board to the Commissioner and to registered producers of accounts, returns and other information, including an annual balance sheet and either an annual profit and loss account, or in case of a board which does not trade for profit, an annual income and expenditure account.

3. As to the manner in which the moneys of the board may be invested.

4. As to the furnishing by the board of a copy of the balance sheet of the board to any person requiring it.

5. As to the removal from the register of producers of the names of persons who have ceased to be producers or who are exempt from registration.

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